

From: Judith Norris <judith@therpp.co.uk>
Sent: 01 May 2025 18:09:30 UTC+01:00
To: "Anna Tidey" <anna.tidey@midsussex.gov.uk>
Subject: Re: Agent consideration of pre commencement conditions - DM/24/2912
Equestrian Yard, London Road, Balcombe

Yes fine

From: Anna Tidey <anna.tidey@midsussex.gov.uk>
Date: Thursday 1 May 2025 at 18:09
To: Judith Norris <judith@therpp.co.uk>
Cc: Steve Ashdown <Steve.Ashdown@midsussex.gov.uk>, Steven King <Steven.King@midsussex.gov.uk>, Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>
Subject: RE: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Judith

Thank you for your reply.

Given your comments please can you agree a short Extension of time to allow a decision to be issued within an Agreed timescale?

May I suggest 6th May 2025?

Thank you

Regards

Anna

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From: Judith Norris <judith@therpp.co.uk>
Sent: 01 May 2025 18:02
To: Anna Tidey <anna.tidey@midsussex.gov.uk>
Subject: Re: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Anna, I appreciate you are busy.

Frankly the whole thing is overkill for a very small building. Parts of your note made me chuckle simply because the logic is bonkers, but at a more serious level there is a significant cost attached. The intervisibility point is nonsense, historically the building was not connected to Kings Farm. The contamination condition is over the top for a building the applicant has known for many years.

Mr Coveney has found a buyer so he is happy for this to be passed down the chain. Please issue the permission as you think fit.

Best

Judith

From: Anna Tidey <anna.tidey@midsussex.gov.uk>
Date: Thursday 1 May 2025 at 17:24
To: Judith Norris <judith@therpp.co.uk>, Steve Ashdown <Steve.Ashdown@midsussex.gov.uk>
Cc: Emily Wade <Emily.Wade@midsussex.gov.uk>, Oliver Benson <Oliver.Benson@midsussex.gov.uk>
Subject: RE: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Judith

Please accept my apologies for my delay in replying to you on this matter, which has been due to a heavy workload and other work pressures.

I refer to the attached revised Draft Conditions list, as of 24.04.2025. I understand that you still have concerns with regards to pre commencement Conditions 3, 5 and 13.

Consequently I have looked again at the wording and requirements for these pre commencement conditions, **which I believe do accord with government guidance and relevant tests for the use of planning conditions.**

I have sought further advice from the two Consultees that recommended these conditions, ie Emily Wade (MSDC Conservation Officer) and Oliver Benson (MSDC EHO/Contaminated Land Officer). Their additional comments are reproduced below for your information.

3. No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls, roofs and fenestration of the converted building to include detailed drawings, at an appropriate large scale, including sections and annotated to show materials and finishes, of the following:

-typical examples of windows and external doors and

-typical eaves details

have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies DP26 and DP34 of the Mid Sussex District Plan 2014 – 2031.

5. No development shall be carried out unless and until a detailed hard and soft landscaping scheme including elevational drawings of new or altered boundary treatments and gates has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies DP26 and DP34 of the Mid Sussex District Plan 2014 – 2031.

Emily Wade's further comments:

The site is within the wider setting of the Listed Building at Kings Farmhouse and I noted on site that there is intervisibility between the two, particularly the

western part of the site (the garden), which might be affected by new boundary fences etc if the new residential use wanted greater separation from the adjacent sheep field. There is therefore the potential for the introduction of unsympathetic domesticating features within what is currently a rural setting to this former farmhouse. This is besides what might be proposed to the street facing boundary. On this basis I do think we do need to see some detail of landscaping- at present we have none and the agent's comments suggest that new gates and fences may be proposed.

This is an NDHA in its own right, of a rural/agricultural nature. We would want to be assured that any landscaping around it including new boundary treatments etc. are also appropriate to this context, as well as the setting of Kings Farmhouse.

I believe that the condition is fair and justified. It is consistent with conditions placed upon other similar conversion proposals that I have been involved in, and as recommended by Emily, who is the Council's professional adviser on NDHA's, Listed Buildings and other heritage assets.

13. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:*
 - all previous uses*
 - potential contaminants associated with those uses*
 - a conceptual model of the site indicating sources, pathways and receptors*
 - potentially unacceptable risks arising from contamination at the site*
- and unless otherwise agreed in writing by the Local Planning Authority,*
- b) A site investigation scheme, based on*
 - (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;*
 - and, unless otherwise agreed in writing by the Local Planning Authority,*
 - c) Based on the site investigation results and the detailed risk assessment*
 - (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors.

Oliver Benson's further comments: ...'in terms of condition 13, (14 and 15), I can comment on the necessity of contaminated land conditions for the conversion of old agricultural barns dating back to the 19th century, which have continued to be used for agricultural use until recently. The application proposes converting these barns into residential properties with soft landscaping.

Such conditions are necessary to consider the potential contaminants commonly found in agricultural sites, particularly in barn areas. Potential concerns include:

- 1. Pesticides and Herbicides: Agricultural barns often stored pesticides and herbicides. These chemicals can seep into the surrounding soil, causing contamination.**
- 2. Chemical Storage Residues: Old barns sometimes served as storage areas for fuels, fertilisers, and other chemicals.**
- 3. Asbestos and Lead-Based Paint: Many barns built before the 1980s contain materials like asbestos and lead-based paint.**
- 4. Equipment and Machinery: The use of various farm equipment and machinery, such as tractors, sprayers, and harvesters, can introduce contaminants like oil, grease, and hydraulic fluids into the environment.**

Given these potential contaminants, it is necessary to conduct a site assessment. If no risk is identified at that stage, conditions 13 and 14 can be discharged in their entirety. However, if the assessment identifies a risk from complete contaminant linkages, appropriate remediation measures will need to be implemented to ensure the safety and health of future occupants, who will represent a higher risk receptor than the current use.

I hope this information provides a clearer understanding of the necessity of a contaminated land condition for the agricultural barns.'

The reason for the condition is for the protection of the health and living conditions for future residents of the dwelling. In my opinion this is a significant justification for the condition.

In order to progress the application may I request again that you consult with your client on the Draft Conditions list, as attached.

You will appreciate that I need this matter to be resolved, so that a decision can be issued for this application. The agreed Extension of time date for the Decision has passed, on 22.04.2025.

For your information I am on annual leave next week, returning on 12th May 2025. I intend to forward my report to Senior Officers to issue a decision after my return from leave. If the three above pre commencement conditions cannot be agreed the recommendation will be for the application to be Refused.

May I request an Extension of time until 16th May 2025 to allow for my recommendation report to be reviewed by Senior Officers and a Decision Notice to be produced.

I look forward to hearing from you.

Regards

Anna Tidey

Planning Officer

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<http://www.planningportal.gov.uk>

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From: Judith Norris <judith@therpp.co.uk>

Sent: 14 April 2025 15:37

To: Anna Tidey <anna.tidey@midsussex.gov.uk>; Steve Ashdown <Steve.Ashdown@midsussex.gov.uk>

Subject: Re: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard,
London Road, Balcombe

Dear Anna and Steve

Many thanks for considering my concerns.

At a risk of being very trying I still question the need for drawings for both condition 3 and 5. The building may be in part a NDHA, but the site is also very confined with practically no impact on the street scene. The nature of the building will require bespoke joinery. The garden is very small. Drawing fences and gates for this seems over the top. For ease of reference I attach the red line area. The proposal removes two containers that have been there for many years and no one has apparently noticed.

The building has been used for small scale agricultural and equestrian uses, so I am not quite sure what the risk of contamination could be? I deal with many conversions of this type and this condition does seem needlessly onerous? Surely a condition requiring further work if contamination is found would be much more proportionate?

I appreciate I can appeal these conditions but what a bad use of everyone's time when a little thought now as to what is really necessary to meet the Six tests would be far more efficient?

Best wishes

Judith

From: Anna Tidey <anna.tidey@midsussex.gov.uk>

Date: Monday 14 April 2025 at 14:41

To: Judith Norris <judith@therpp.co.uk>

Cc: Steve Ashdown <Steve.Ashdown@midsussex.gov.uk>

Subject: RE: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Judith

Further to our correspondence last week I have now had the opportunity to review and discuss Draft conditions 11, 13 and 14 with Steve Ashdown.

As a result Condition 11 has been reworded to include a trigger for the condition to come into effect. This has made it a condition that will come into effect 'prior to occupation' rather than being a 'pre commencement' condition, see Revised Draft Conditions list attached.

Condition 13 – this condition is essential as it has been requested by the Contaminated Land Officer to protect the future occupiers from any potential contaminants in the building which will be converted. If this condition is not accepted I will have to recommend that the application is Refused. Your client does, of course, have the option to Appeal any planning conditions that they find unacceptable.

Condition 14 – This is not a pre commencement condition. Again your client does have a right of Appeal.

I await your further response ahead of finalising my recommendation.

Regards

Anna

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From: Judith Norris <judith@therpp.co.uk>

Sent: 11 April 2025 15:56

To: Anna Tidey <anna.tidey@midsussex.gov.uk>

Subject: Re: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Anna, yes happy to agree EOT. Best Judith

From: Anna Tidey <anna.tidey@midsussex.gov.uk>

Date: Friday 11 April 2025 at 15:45

To: Judith Norris <judith@therpp.co.uk>

Cc: Steve Ashdown <Steve.Ashdown@midsussex.gov.uk>

Subject: RE: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Judith
Thank you for your email. I will be in touch next week.

Just to be clear, please can you confirm that you do agree to the EOT date of 22.04.2025?

Thank you
Regards
Anna

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From: Judith Norris <judith@therpp.co.uk>

Sent: 11 April 2025 15:32

To: Anna Tidey <anna.tidey@midsussex.gov.uk>

Cc: fiona@yewtreefarm.biz

Subject: Re: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Anna, yes fine. Many thanks for your response. I think it would be helpful if you showed Steve the complete list of the conditions.

I do not wish to be unhelpful but in view of the nature of the building I want to keep the conditions to a proportionate level. As you know I have agreed to several of the proposed conditions as set out in my email dated 10 April.

Thank you for your continued efforts on this.

Hope you have a good weekend.

Best wishes

Judith

From: Anna Tidey <anna.tidey@midsussex.gov.uk>

Date: Friday 11 April 2025 at 15:22

To: Judith Norris <judith@therpp.co.uk>

Cc: Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>, Steve Ashdown <Steve.Ashdown@midsussex.gov.uk>

Subject: RE: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Judith

Thank you for your email.

I note your concerns and comments with regards to the proposed pre commencement conditions, which I sent to you on 28th March 2025, see attached.

I note that you have raised concerns within 10 working days of the notification, in accordance with government guidance on the use of planning conditions and the [Town and Country Planning \(Pre-commencement Conditions\) Regulations 2018](https://www.gov.uk/guidance/use-of-planning-conditions#the-use-of-pre-commencement-conditions), see <https://www.gov.uk/guidance/use-of-planning-conditions#the-use-of-pre-commencement-conditions>

From your comments I understand that the contentious conditions are:

3. Requires detailed drawings, at an appropriate large scale, including sections and annotated to show materials and finishes, of the following:

-typical examples of windows and external doors and

-typical eaves details

to be submitted to and approved by the Local Planning Authority

5. Requires elevational drawings of new or altered boundary treatments and gates to be submitted to and approved by the Local Planning Authority

11. Requires a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Impact Assessment (Kent Sussex Ecology, September 2024) to be submitted to and approved in writing by the Local Planning Authority.

13. Requires submission of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, with a preliminary risk assessment and a site investigation scheme to be submitted to and approved by the Local Planning Authority.

14. Requires a verification plan to be drawn up by a competent person to show that the remediation scheme required and approved has been implemented fully and in accordance with the approved details.

In accordance with government guidance there are various ways forward for the local planning authority in this situation:

The options to take this matter forward are either:

- i. grant planning permission without the pre-commencement condition,*
- ii. seek written agreement to an alternative pre-commencement condition, or*
- iii. refuse to grant permission (if it considers that the disputed pre-commencement condition is necessary to make the development acceptable in planning terms).*

Following on from my correspondence with you yesterday, in which I justified the reasons for these Draft conditions, I will speak to my Senior Officer, Steve Ashdown, on Monday next week.

I will then confirm to you which of the three above options we choose to take.

In the meantime I am aware that the agreed Extension of Time runs out today. I shall therefore be grateful if you can confirm your agreement to another short Extension of time for the Decision Target Date until after Easter to 22nd April 2025.

Thank you
Regards
Anna

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From: Judith Norris <judith@therpp.co.uk>

Sent: 10 April 2025 15:48

To: Anna Tidey <anna.tidey@midsussex.gov.uk>

Subject: Re: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Anna, I have looked at this again and just cannot agree the level of information you are seeking?

I take issue with the amount of drawing you are asking for. Why is it necessary to draw a fence for example?

This building is being treated as if it was listed, and I am happy to provide some info but 'to a large scale'?

I seriously question the need for 11,13, 14, happy to keep 15.

Happy to agree E of T.

Best

Judith

From: Anna Tidey <anna.tidey@midsussex.gov.uk>

Date: Thursday 10 April 2025 at 12:07

To: Judith Norris <judith@therpp.co.uk>

Subject: RE: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Judith

Thank you for your further email. I do have to be guided by Consultees and in this case I do agree that the recommended conditions are appropriate and will meet the conditions tests.

Just to be clear, can you accept the pre commencement conditions?

If you are not in agreement I will need to take this off the list for determination today.

Thank you.

Regards

Anna

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From: Judith Norris <judith@therpp.co.uk>

Sent: 10 April 2025 11:12

To: Anna Tidey <anna.tidey@midsussex.gov.uk>

Subject: Re: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard,
London Road, Balcombe

Anna, writing as a full member of the IHBC, I did provide evidence on the history of the barn going back to the Tithe. Very little of the original structure remains. It was not a curtilage building to Kings Farm. I could bore you to death on curtilage buildings as most of the time this is misunderstood.

I am very happy to agree as I suggested in my response but the PPG is clear that conditions do need to meet the Six tests. The list you have given me does seem to be overkill for a very small project?

A condition may be suggested by a consultee but surely you as the officer have discretion?

Best

Judith

From: Anna Tidey <anna.tidey@midsussex.gov.uk>

Date: Thursday 10 April 2025 at 10:50

To: Judith Norris <judith@therpp.co.uk>

Cc: Steve Ashdown <Steve.Ashdown@midsussex.gov.uk>, Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>

Subject: RE: Agent consideration of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Judith

Thank you for your email regarding the draft pre-commencement conditions for this application, see attached list for reference.

I have the following responses to your comments:

1. Should the BNG comment be an informative? **This is the standard wording that MSDC is using for BNG. There are also BNG notes attached to the Decision Notice.**
2. Condition 2 Fine
3. Condition 3, this seems more appropriate for a listed building? We are not dealing with one of those! I think this is disproportionate in terms of the level of detail but happy to provide a list of materials but the drawing work suggested seems excessive. **The reason for the requested level of detail is due to the historic significance of the barn. Emily Wade (MSDC Conservation Officer considers that: ‘The barn is distant from Kings Farmhouse, but it appears on our earliest OS maps. It looks like an out farm, i.e. farmyard set in fields some way from its farmhouse, built to make the farming of more distant fields easier- and may therefore be of interest as an NDHA if not as a curtilage listed building.’**
4. Guttering. Ok.
5. Again, I think this is disproportionate and would be willing to agree a schedule of boundary treatments, but the area of garden is so small and restricted I cannot see why a landscape condition is reasonably necessary? **The reason for the requested level of detail is due to the historic significance of the barn and will preserve the setting.**
6. Fine
7. The treatment plant is a building regs issue . Drawing 5081-02 makes the point the volume of roof water does not change. This seems disproportionate. **This condition is as recommended by the Drainage Engineers.**
8. Fine

9. !!!! Yes, I think there is room for bikes but in this rural location does it need to be a planning condition? **This condition is as recommended by WSCC Highways Authority.**
10. Fine
11. No. We have addressed this in 10. **This condition is as recommended by the MSDC Ecologist.**
12. Fine
13. Not necessary. Disproportionate for a small farm building that has been used for agriculture/equestrian use. **This condition is as recommended by the MSDC Contaminated Land Officer. This is not unusual in the case of former agricultural/equestrian building conversion proposals.**
14. Not necessary. Disproportionate. **This condition is as recommended by the MSDC Contaminated Land Officer. This is not unusual in the case of former agricultural/equestrian building conversion proposals. It is for the safety of the future residents.**
15. Ditto.

As I have explained above there are **sound planning reasons** for the proposed conditions. I am of the opinion that they **would meet Government Guidance with regards to the imposition of planning conditions and the 6 tests**, as explained in Paragraph 55 of the National Planning Policy Framework, see [Use of planning conditions - GOV.UK](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/261122/Use_of_planning_conditions.pdf)

I therefore intend to finalise my recommendation today, to allow a decision to be issued within the agreed EOT date, which expires tomorrow.

My recommendation is for the application to be approved with the full list of conditions, as drafted.

Your client has the option to Appeal the conditions if they are not in agreement.

Regards

Anna

-----Government guidance
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From: Judith Norris <judith@therpp.co.uk>

Sent: 10 April 2025 10:06

To: Anna Tidey <anna.tidey@midsussex.gov.uk>

Cc: fiona@yewtreefarm.biz

Subject: Re: EOT for considerations of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Anna

Many thanks for this.

A few thoughts.

1. Should the BNG comment be an informative?
2. Condition 2 Fine
3. Condition 3, this seems more appropriate for a listed building? We are not dealing with one of those! I think this is disproportionate in terms of the level of detail but happy to provide a list of materials but the drawing work suggested seems excessive.
4. Guttering. Ok.
5. Again, I think this is disproportionate and would be willing to agree a schedule of boundary treatments, but the area of garden is so small and restricted I cannot see why a landscape condition is reasonably necessary?
6. Fine
7. The treatment plant is a building regs issue. Drawing 5081-02 makes the point the volume of roof water does not change. This seems disproportionate.
8. Fine
9. !!!! Yes, I think there is room for bikes but in this rural location does it need to be a planning condition?
10. Fine
11. No. We have addressed this in 10.
12. Fine
13. Not necessary. Disproportionate for a small farm building that has been used for agriculture/equestrian use.

14. Not necessary. Disproportionate.
15. Ditto.

Best wishes

Judith

From: Anna Tidey <anna.tidey@midsussex.gov.uk>
Date: Wednesday 9 April 2025 at 12:41
To: Judith Norris <judith@therpp.co.uk>
Cc: Steve Ashdown <Steve.Ashdown@midsussex.gov.uk>, Steven King <Steven.King@midsussex.gov.uk>, Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>
Subject: RE: EOT for considerations of pre commencement conditions - DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Judith

Following on from your email of 28th March 2025, before your holiday, please can you confirm whether you have had the opportunity to review the Draft Pre commencement conditions with your client?

If these are agreed I will be able to pass the report to a Senior Officer today/tomorrow. Unfortunately due to staffing shortages this will not be possible on Friday this week.

Regards
Anna Tidey
Planning Officer

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From: Judith Norris <judith@therpp.co.uk>

Sent: 28 March 2025 12:36

To: Anna Tidey <anna.tidey@midsussex.gov.uk>

Subject: Re: Request for EOT for considerations of pre commencement conditions - DM/24/2912
Equestrian Yard, London Road, Balcombe

Anna, many thanks. Very happy to agree the E o T to 11 April. Best wishes Judith

From: Anna Tidey <anna.tidey@midsussex.gov.uk>

Date: Friday 28 March 2025 at 12:15

To: Judith Norris <judith@therpp.co.uk>

Subject: RE: Request for EOT for considerations of pre commencement conditions -
DM/24/2912 Equestrian Yard, London Road, Balcombe

Dear Judith

Thank you for taking my call this morning regarding the above application.

I have written a draft report and I attach a list of draft conditions for your perusal, including pre commencement conditions. I shall be grateful if you can discuss these with your client. I look forward to your confirmation that these are acceptable?

Please be aware that the conditions are all in draft at this stage, and at this time the decision is still pending.

I shall be grateful if you can respond by email to me to provide your agreement to the wording of conditions.

Please can you also agree to an Extension of time to 11th April 2025, as we discussed so that you can address the conditions on your return from leave at your earliest convenience.

If there are any matters that you would like to discuss please call or email me.

Kind regards

Anna

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