

2 Horncastle Cottages
Plawhatch Lane
Sharpthorne
West Sussex
RH19 4JH

8th September 2022

FAO Deborah Lynn, Case Officer
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Dear Ms Lynn,

We write to you to formally raise objections to the planning application DM/22/2542:

*Change the use of the existing structure and provision of an artist's studio and associated works.
Re-submission of DM/22/1628 addressing reasons for refusal.*

These are set out as follows:

Planning

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As in previous applications, the applicant has claimed the access track alongside no. 3 Horncastle Cottages as their own for access to the land.

This track is owned by SHC Clemsfold Group/Sussex Health Care, not by the applicant, and as such have incorrectly signed a certificate A.

In their proposal, document 'planning statement for reapplication', the applicant has stated:

'Although the access lane is not owned by the applicant, it is not relevant to the application in planning terms, as the use of the lane will not vary from any historical or current uses with this application, therefore it is not a relevant part of the development site.'

Beyond the issues of ownership, use of this track *will* fundamentally change from current and historic activity. At present, a very limited number of vehicles travel along the track per week. Any development will, in the short term, require heavy machinery and site access from builder's and associated vehicles, something which this track is not designed to sustain; and in the long term will be used by different people on a daily basis which currently and to our knowledge, the track has never been used for.

Furthermore, for any person or vehicle to access the property, they will have to use the privately owned track which the property in question does not own or have permission to do.

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The drawings of the property in document 'Proposed Floor Plans_P012' and 'Existing Floor Plan_E002' have been incorrectly located or scaled.

By the scale of the drawing, it shows approximately 1 metre between the overhang of the roof and the boundary to the southwest side.

See image A below clearly showing the roof overhang sitting directly above the boundary fence, indicating that the drawings are incorrect, and there is subsequently no space for the proposed '*Lightly gravelled structurally secured walkway*'.

Site measurements need to be carried out by professionals to review the proposal and understand what is possible within this site.

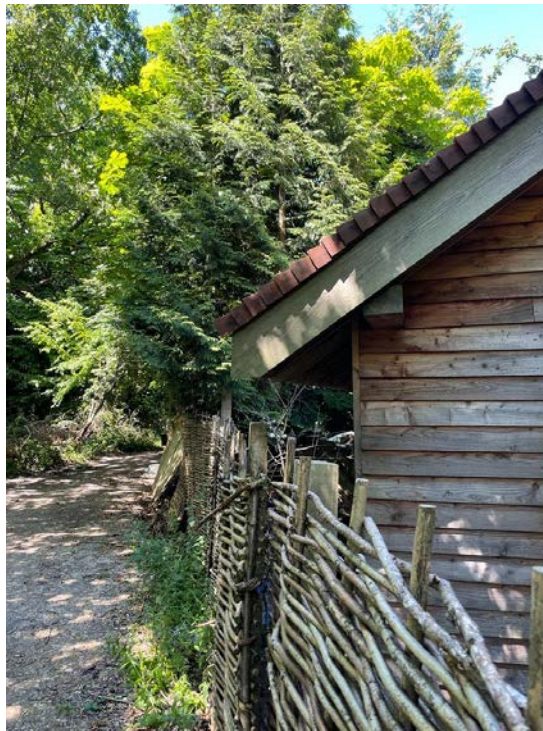


Image A

Access & Parking

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The applicant has stated under section 'vehicle use' in document 'Planning Statement for reapplication of DM/22/1628' that:

'As a mitigation, once the artist is at the site, they have walking options to the Ashdown Forest and to a Farm shop nearby, reducing the need for extra trips to have a walking break or buy some sustenance.'

And

'In the proposals favour, it does have the added mitigation of having two resources within walking distance, i.e. public footpath into Ashdown forest and the Farm shop facility.'

Two issues are highlighted.

- The property is landlocked by private land on all sides. Any journeys outside its boundary will be across private land and to the best of our knowledge, no permissions are in place for those using Apple Barn to do this.

- There are no public footpaths leading from the property to the farm shop facility. The only way anyone can reach the farm without driving, is to walk directly along an unrestricted road from the track entrance. Accessing the nearest footpath for the Ashdown Forest would also mean walking along the road to get to it.

See below an ordinance survey map, *Image B*, detailing public footpaths in the specific area of which the only one is noted as a green dotted line heading southeast away from the farm. (The land is highlighted in pink. The farm highlighted in red.)

From a safety perspective, walking along this road is dangerous and as such immediately increases vehicular usage to and from the site.



Image B

The full version of this map is provided at the end of this letter

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The property is not located in an area that reduces the need for a vehicle and there is no access to public transport within a reasonable and safe distance of the site, therefore, the proposal is contrary to Policy DP1 and DP21 of the Mid Sussex District Plan.

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The track which would have to be used to access the land has already been assessed by the *water and access* team of West Sussex council during planning application 'DM/22/0282'. Their assessment was:

'The access route to the new build property is indicated to be 2.7 metres wide, a fire appliance requires 3.1 metres through any gateway and 3.7 metres between the curbs / edge of the road to enable the fire crew room to operate the appliance.'

As such from a safety perspective, the track is not suitable to service any building which legitimately would require use from emergency services, which this, would need.

Furthermore, the erection of the building on the land has been built within a large, excavated area (according to the drawings in document 'Proposed Elevations_P013' – 1.485m deep); the boundary of which meets and runs along the edge of the land parallel and directly next to the access track.

There is genuine concern that should any vehicle, particularly a large heavy vehicle, driving along the track need more space or misjudge the width of the track, that the ground could crumble into the excavated area, or the fence would be pushed back in the event of an impact allowing said vehicle to fall into the site causing damage to persons, property and / or vehicles.

See below image C and D where earth has already started to fall into the excavated area, revealing gaps under the fence and image E showing the excavation starting immediately the other side of the fence.

This must be assessed and safely rectified before any use of the land can commence.



Image C

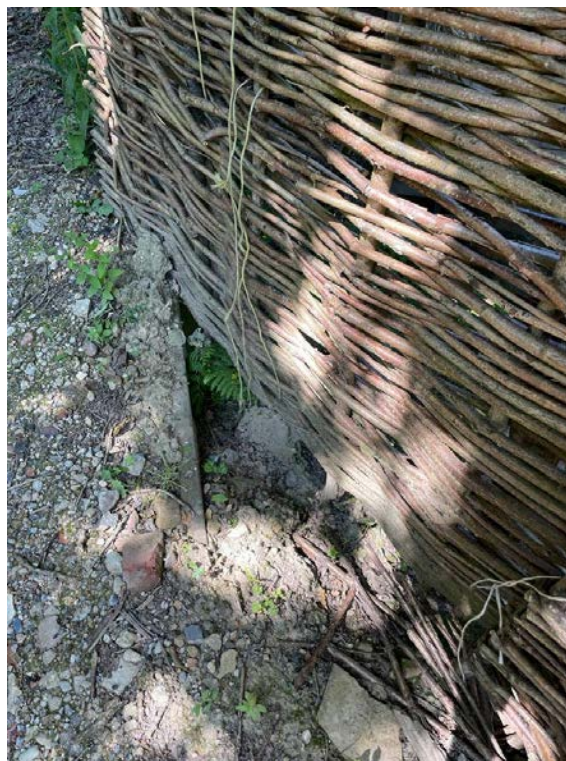


Image D



Image E

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The applicant states in the document 'application form' under 'vehicle parking' that: '*existing number of spaces: 2.*'

Contrary to these statements, there is currently no provision for any sort of parking on site. All available space away from the structure is used to openly store discarded household items and wood left within the grounds. See image F



Image F

Power to the Property

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The applicant has stated that solar panels will be the sole supply of electricity to support the function of the property.

This being stated as:

'Small fridge, some lighting and computer charging facilities'

'Electric car charging facilities'

In reference to a drainage system - *'The drainage scheme will include an automatic pump (independently powered by the sun).'*

Presumably the last point will also be dependent on the solar system stated.

It would seem improbable that a relatively small array of panels surrounded by woodland and therefore intermittent sunlight, could support all of these facilities, whether in constant or periodic use.

As electricity will be a fundamental service required to service the property and business, details should be demonstrated as to the scale and draw of the facilities installed, and the specific ability for the chosen system to support that.

Furthermore, being in an Area of Outstanding Natural Beauty, additional planning permission for such an installation would seem necessary as has been the case for similar energy generating systems installed at neighbouring properties (ref: DM/21/2533). This surely needs to be provided at least in parallel to this application to prove suitability.

Site Drainage

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Within document 'planning application' under section 'Assessment of Flood Risk' the applicant has again responded 'No' to whether the proposal will increase the flood risk. The land in question has proven to be susceptible to considerable retention of water during wetter months of the year. See images G & H below showing flooding at an estimated depth of 0.75 – 1.0 metre of the sunken area in which the building has been erected and in which the foundations of the building stand.

A land drain to Plawhatch Lane has been cited for use for overflow of surface water during heavy rainfall however this has not been identified in any of the documents submitted, nor have any details been provided as to how the water would reach these drains.

Further detail should be required to clarify how this will be achieved.



Image G



Image H

Additional points

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Policy DP26 of the Mid Sussex District Plan states that *'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed'*

It is clear from the evidence provided regarding site drainage and access for service vehicles that this building and its foundation have not been well designed. The effect on building materials and the foundations from flood water will over time have an irreversible consequence on the integrity of the building and the safety of people using it.

This too could encourage subsidence of the ground surrounding the site if it becomes saturated, compounding the issues highlighted by the excavated area being dug so close to the property boundary and to the track.

Being situated in an AONB, this contravenes Policy DP16 of the Mid Sussex District Plan.

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We object to the increase of unnecessary vehicular traffic along a side track which is already at best delicate.

Regular daily traffic as proposed by this application will undoubtedly make the long-term sustainability of the access untenable, meaning significant repair work will have to be carried out to allow it to continue as an access track, or threaten the viability of using the track altogether.

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We firmly believe that a commercial building is unsuited and unnecessary in this location as the site will see higher levels of traffic and human activity resulting in wear and tear to a historic location.

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Possible methods to attain services such as electricity and drainage have been referenced, but no meaningful plans have been presented to indicate particular understanding of how it will be carried out or maintained into the future.

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The applicant has repeatedly indicated that they shouldn't be associated to historic construction activities on the land by separation of ownership, specifically planning issues or conditions which were highlighted before the land was sold.

Neighbouring residents have all been diligent in detailing specific plans, technologies and reasonable compromises while applying for their own renovations or property changes, holding tight to the conditions laid out to satisfy local authorities.

We do not accept that simply by purchasing the plot should allow circumnavigation of any conditions placed, past or present.

We object to the reuse of the existing building for any purpose or change other than that which has been deemed acceptable or necessary by the council for reasons of practicality, safety and reasonable use of the land.

This has not been observed by those in control of the site development to date and therefore assert that the current conditions applied by the council be pursued, specifically enforcement notice EF/20/0305 mandating that the structure be dismantled and removed.

Yours sincerely,

2 Horncastle Cottages

