

Horncastle Place
Plawhatch Lane
Sharpthorne
East Grinstead
West Sussex
RH19 4JH

7th September 2022

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

Dear Ms. Lynn,

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. | Apple Barn Plawhatch Lane Sharpthorne East Grinstead East Sussex RH19 4JH

In relation to this latest application, we have the following specific comments in relation to the documents submitted:

1. Sustainability Report

Power

We are highly sceptical that the use of 'a silent sustainable off grid system using solar panels which could be suitably and discretely positioned on the flat roof of another building on the site, a timber garden studio' could supply sufficient power even for a small installation such as this, given the subject building is surrounded by trees in ancient woodland. This needs to be demonstrated in sufficient detail.

Conclusion

This refers to the 're-use of an existing building'. This building is subject to an enforcement notice dated 22 August 2022 requiring removal of the unauthorised building.

2. Location and Block Plans

The undated block and location plans (Dwg No. P011) received on 15th August 2022 again show the access track included within the site boundary. The access track is owned by SHC Clemsford Group/Sussex Healthcare and not by the applicant, thus once again the incorrect Certificate A has been submitted as P Woolley is not the sole owner of the land. Therefore, the correct certificate should be completed.

3. Planning Statement for Re-application

Previously Developed Site argument

The applicant recognises that any previous consents were granted 'with certain conditions of use'. These conditions that have not been complied with include:

Conditions to DM/18/5027 dated 6 February 2019

- **Condition 2.** *Approved Plans The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application". Reason: For the avoidance of doubt and in the interest of proper planning.*

Our Objections: The building has not been constructed in the location shown on the approved plan. The building is not a minimum of 1.2m from the western boundary, as per Appendix A. It is therefore in breach of the grant of approval. This is important given the adjoining access track is at times used for large agricultural and equestrian vehicles, and gas tanker deliveries. Given a 1.25 m drop has been created immediately adjacent to the to the edge of the track without any retaining wall above ground floor level, this is potentially dangerous for health & safety reasons.

- **Condition 3.** *The proposed works to allow the building to function as a garage shall be carried out and completed within 6 months from the date of this planning permission. Reason: To enable the building to operate as a private garage in association with no. 2 Horncastle Cottages and to accord with policy DP21 of the Mid Sussex District Plan 2014 - 2031.*

Our Objections: Condition 3 was varied under DM/19/1057 to extend the time allowed to complete the works within 18 months from the 6th February 2019. The works are still not complete, therefore the building has not and cannot be used as a garage. As a result, we believe the site should be subject to an enforcement notice, as indeed has now actioned by Mid-Sussex Council.

- **Condition 4.** *The building shall be used as a private domestic garage in connection with no. 2 Horncastle Cottages only and for no other purpose. Reason: To safeguard the amenities of the neighbouring properties and to ensure the provision of adequate off-street parking space and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.*

Our Objections - We understand East Sussex Highway Authority is not in agreement with No. 2 Horncastle Cottages reversing out of their front area onto a derestricted road as there is no area for turning within the curtilage. It is a dangerous road and hence condition 4 above. The applicant of the garage has ignored this condition and compromised the safety of his purchaser for its own family gain.

Whether the argument that the building has been previously developed is accepted or not, we would strongly submit that the above conditions should still apply in the interest of sound and proper planning.

4. Foul Sewage and Surface Water (Drainage) Report

The Flood Risk & Drainage Team's Consultation Response has already highlighted that the information submitted is not considered detailed drainage design.

The location of the existing land drain to Plawhatch Lane (to be used for overflow of surface water from the site) has not been identified in any of the documents submitted. To date, surface water that has accumulated on the site after heavy rain has been pumped onto adjoining land owned by SHC Clemsford Group/Sussex Healthcare, so we don't understand why the existing land drain has not been used if it exists.

No clear detail has been provided as to how a treatment plant can be accommodated within the boundary as the area appears to be of insufficient scale to meet the minimum planning criteria; namely, 7 metres from a dwelling/habitable building, 4 metres from a wall, 5 metres from a hedge, 5 metres from a tree, and 5 metres from a boundary.

Relevant Previous Objections

In relation to our previous objections, we would also like to re-iterate the following:

- **Safety**

The subject property, Apple Barn, historically belonged to no. 2 Horncastle Cottages under title WSX78308. No. 2 Horncastle Cottages benefits from a right of way across the access track shown on the site plan to the subject property for the purposes of car parking. This is because there is an insufficient turning area and therefore no parking to no 2 Horncastle Cottages without backing out onto a road that is subject to the national speed limit (60 mph), therefore being unsafe as already advised by East Sussex Highway Authority.

- **User Objection**

We object to any other sui generis uses as these could include such uses as nightclub, bingo hall, sale or display for sale of motor vehicles, taxi business or business for hire of motor vehicles, etc. A restrictive use application for a non-retail/commercial artist's studio has not been applied for; it has only been implied and is vague. More details of the exact use and how it will operate, including services, should be provided given the sensitive nature of the area.

- **Viability (as referred to in Supporting Statement to Application DM/22/1628)**

It is claimed that the use of 'a garage ancillary to No. 2 Horncastle Cottages would not be viable to our client'. The garage was sold separately by the then owners of No. 2 Horncastle Cottages, Mr & Mrs Ravenwood, to Mrs. Ravenwood's mother on 12 July

2019, a full 12 months before they sold No. 2 Horncastle Cottages; the sales particulars at the time referred to 'off street parking for two cars' outside the property, which was clearly incorrect. In addition, no viability evidence including market-testing has been provided and proven as the subject property was sold for a nominal sum a full year before No. 2 Horncastle Cottages was sold.

- **Access and Parking**

The property is not located in an area that reduces the need for private car given there is no accessibility to public transport, nor is it possible to safely walk and cycle to any nearby facilities. Therefore, the proposal is contrary to Policy DP21 of the Mid Sussex District Plan (2014 – 2031). The size of the plot could potentially accommodate two car parking spaces, which would be required under West Sussex County Council's Guidance on Parking at New Developments (2020) as the site falls within PBZ1. Prior to a decision being made on this application a detailed layout plan showing how the car parking arrangement can work around any required infrastructure for sewage treatment and surface water disposal should be provided.

- **Water Table**

The site is also located in close proximity to Horncastle Wood ancient woodland, as detailed on Natural England's ancient woodland inventory. Natural England and the Forestry Commission's 'standing advice' for ancient woodland, ancient trees and veteran trees is a material planning consideration. We understand the advice states planning applications should only be approved if it can be demonstrated that any change to the water table because of sustainable drainage schemes does not negatively affect ancient woodland or ancient and veteran trees. This has not been demonstrated in this application. The basement of the property interferes with the natural equilibrium of the water table serving the surrounding trees. The basement system has undermined the nearby tree root systems and increased the risk of trees collapsing; as shown in the photos above, it acts as a sump.

- **Waste Storage and Collection, and Trade Effluent.**

No solutions for either of these matters have been included in this application.

- **Noise**

The property should be designed, located, and controlled (used during restricted hours given close proximity - within 1 metre - to neighbouring cottages and bearing in mind art can include metalworking, sculptures and similar) to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area to meet Policy DP29 of the Mid Sussex District Plan (2014 – 2031).