

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3063	Case Officer:	Andrew Horrell
Application Type:	Agricultural Prior Not. - Building		
Proposal:	Proposed erection of an agricultural machinery store for the storage of the business machinery, on land in agricultural use, maximum height is 6.0m to the ridge and the eaves measure 5.3m.		
Site:	Holmsted Farm, Staplefield Road, Cuckfield, Haywards Heath, West Sussex, RH17 5JT, ,		
Validation Date	18 Dec 2024	Overall Expiry Date:	10 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval Is Not Required	Recommendation Date:	14 Jan 2025
Target Date:	15 Jan 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	15 Jan 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3063

**Holmsted Farm, Staplefield Road, Cuckfield, Haywards Heath, West Sussex, RH17 5JT,
Proposed erection of an agricultural machinery store for the storage of the business machinery,
on land in agricultural use, maximum height is 6.0m to the ridge and the eaves measure 5.3m.
Hayward**

SUMMARY OF REPRESENTATIONS

None received.

CONSULTATION COMMENTS

Contaminated Land: No objection

WSCC Highways: This application seeks the erection of an agricultural machinery store, for uses ancillary to the wider Agricultural uses on site, Machinery currently exists within the site but currently has no form of covered storage. The site is located on Staplefield Road, a B class road subject to national speed limit restrictions. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years.

There have been several recorded injury accidents at the junction of Holmsted Farm and Staplefield Road. However, from an inspection of the accident data it appears that this was not due to any defect with the junction or publicly maintained highway at this point.

The proposed barn will be used for the storage of existing on site machinery and therefore is not anticipated to give rise to a significant material intensification of movements to or from the site.

On-site access and parking arrangements will be retained, and are considered suitable for the proposed development.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

INTRODUCTION

This application seeks a determination under the prior notification procedure as laid out under Schedule 2, Part 6, Class A (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the construction of an agricultural machinery store for the storage of the business machinery on land at Holmsted Farm, Staplefield Road, Cuckfield.

RELEVANT PLANNING HISTORY

CD/016/96 - Change of use of redundant farm buildings to B1 use. (approved)
CD/010/97 - Milking parlour, collecting yard and cattle handling facilities. (approved)
02/00963/FUL - Rebuild demolished cow shed for ancillary office (B1 Use) (approved)
02/01240/FUL - Replacement cow shed (approved)
03/00601/FUL - Grain store and machinery storage. (approved)
03/00623/AGRDET - Replace existing barn (Planning Permission is Not Required)
05/00503/FUL - Demolish steel frame barn and erect offices and bed sit accommodation. (approved)
11/00046/FUL - Demolition of Corn Bins and erection of new Corn Store (approved)
12/00777/FUL - Retention of compound for dung and compost. (approved)

DM/15/3408 - Change of use of part of agricultural barn for B2 and B8 use. Namely agricultural machinery repairs, sales and distribution together with associated parking and display area. (approved)
DM/20/1529 - Change of use of agricultural building to a car body repair workshop (Use Class B2). (approved)

DM/20/2018 - Change of use of agricultural building to 4 x commercial units; 1 x fitness studio (Use Class D2), 1 x car polishing workshop (Use Class B1) (retrospective) and 2 x flexible commercial use (Use Class B1/B8/D2). Including siting of associated external toilet block and provision of car parking with alterations to door, windows and external staircases. (approved)

DM/20/3900 - Change of Use of part of an Agricultural Building to a Flexible Commercial Use (Cross Fit gym). (approved)

SITE AND SURROUNDINGS

The site is on land belonging to the property known as Holmsted Farm, Staplefield Road, Cuckfield. The farm is diversified with a number of formerly agriculture buildings used for a mix of commercial purposes.

The land and property are located in open countryside and within the High Weald AONB. The locality has a rural character with sporadic loose knit residential and agricultural properties, with areas of woodland and open fields.

There are a number of existing agricultural buildings associated with the site which appear to be used for storage.

APPLICATION DETAILS

The proposed pitched roofed building would have a depth of 8m, a width of 36m with an approximate height to eaves of 5.3m and a ridge height of 6m. The barn would horizontal juniper green box profile cladding with a fibre cement roof.

This new building will provide for will provide a safe machinery store and separate from combustible materials such as stored hay.

LEGAL FRAMEWORK

Under the provisions of Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, Prior Notification of the development must be submitted to the LPA for consideration as to the siting, design and appearance of the development. The LPA must thereafter issue a decision as to the requirement for prior approval of the development within 28 days of the receipt of the application.

Part 6, Class A states in part that:

'Class A - agricultural development on units of 5 hectares or more

Permitted development

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

- (a) works for the erection, extension or alteration of a building; or**
- (b) any excavation or engineering operations,**

which are reasonably necessary for the purposes of agriculture within that unit.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;
- (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;
- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;
- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;
- (e) the ground area which would be covered by—
 - (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres; or
 - (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;
- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;
- (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or
- (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—
 - (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or
 - (ii) is or would be within 400 metres of the curtilage of a protected building.

Conditions

A.2— (1) Development is permitted by Class A subject to the following conditions—

- (a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;
- (b) where the development involves—
 - (i) the extraction of any mineral from the land (including removal from any disused railway embankment); or
 - (ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;
- (c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

(2) Subject to sub-paragraph (3), development consisting of—

- (a) the erection, extension or alteration of a building;
- (b) the formation or alteration of a private way;
- (c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or
- (d) the placing or assembly of a tank in any waters, is permitted by Class A subject to the following conditions—
 - (i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

(ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

(iii) the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application under subparagraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—

(aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and

(bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

(vi) the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

(3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

(5) Where development consists of works for the erection, significant extension or significant alteration of a building and—

(a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

(6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact'.

ASSESSMENT

The building benefits from deemed consent under Class A of Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, but a condition of this deemed consent is the requirement to apply to the Local Planning Authority for a determination over whether prior approval will be required with regards to the siting, design and appearance.

There are a number of existing agricultural buildings associated with the site which appear to be used for storage.

The proposal would be constructed in materials of a similar appearance to that of the existing barn and existing agricultural buildings. It will be positioned immediately adjacent to an existing barn. Due to the rural location, it is set a considerable distance from any neighbouring residential dwellings.

The proposal would be seen in the context of the countryside and the surrounding buildings. It is therefore considered that there would not be significant harm caused to the landscape of the countryside or Area of Outstanding Natural Beauty.

It is therefore considered that the proposal is permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is not required, and the development can therefore proceed in accordance with the submitted details

CONCLUSION

It has been satisfactorily demonstrated that the erection of the building is reasonably necessary for the purposes of agricultural and complies with the requirements of Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore, the siting, design and appearance are appropriate and that the structures will respect the character and appearance of the Area of Outstanding Natural Beauty.

It is therefore considered that the proposal is permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is not required and the development can therefore proceed in accordance with the submitted details.

Decision: Prior Approval Is Not Required

Case Officer: Andrew Horrell