

Dear Andrew,

DM/25/2218

South Meadow Cottage, Brantridge Lane, Staplefield, West Sussex

Part retrospective planning application to retain existing outbuilding structure and material change of use to agricultural storage.

As you know, we act on behalf of Dominic and Annabel Samengo-Turner of Tyes Place, Brantridge Lane, Staplefield, West Sussex, RH17 6EW, and set out below are our objections concerning the above planning application.

The Application Proposal

The retrospective application relates to an in-situ outbuilding/garden room located on an agricultural field to the north of South Meadow Cottage, which was constructed in September 2022.

The garden room structure measures 5.49 metres x 3.66 metres externally, with a height of approximately 2.7 metres, and is of a rectangular shape. As stated within the Design and Access Statement accompanying the DM/22/3875 application (which remains undetermined nearly three years since submission) the structure was clearly always intended to be used for domestic purposes and *'rest and recreation by the applicants...'*. The garden room features an internal seating area, with the external materials of the building featuring a rubber roof, a timber cladded wall, as well as double glazed full height patio style windows and door.

Summary

The current application, with no modification whatsoever now refers to the structure being an outbuilding for "agricultural storage".

The building is totally unsuitable for this purpose.

There is no agricultural activity taking place on the site.

The application is a vain attempt at retaining an unauthorised building, erected without planning permission for a different purpose.

The proposal is contrary to national and local planning policies.

An approval would simply result in on-going enforcement issues, when the agricultural use fails to materialise, and the current domestic use persists.

The Application Site and Surrounding Area

The application site is in Staplefield, a village three miles north-west of Cuckfield, West Sussex. It is on agricultural land, outside of the curtilage of South Meadow Cottage. It is within the High Weald National Landscape (formerly area of Outstanding Natural Beauty - HWNL), which both local and national policy give great weight to conserving character, landscape and scenic beauty. There is now a new and strengthened statutory duty requiring relevant authorities to "seek to further" the conservation and enhancement of their natural beauty. The HWNL is a medieval landscape of wooded, rolling hills and small, irregular-shaped fields and the landscape around Staplefield reflects this environment. The site is surrounded by fields and there is a sensitive Royal Society for the Protection of Birds (RSPB) conservation area adjacent to it. The site does not lie within the Built-Up Area Boundary (BUAB), as defined within the Mid Sussex District Plan (MSLP) 2014-2031.

South Meadow Cottage is attached to North Meadow Cottage, with it being the smaller part. Old Hall Farm Cottage is located to the north of the site and Tyes Place, to the south. A footpath, which is also

used as a public right of way, to the north-east of the site, provides access to them. Tyes Place is Grade II Listed (List Entry Number 1025731), being as it is, a 17th Century or earlier timber framed building. A farmyard, comprising a barn, granary, cart and ox shed on the same site are also Listed. There are a number of other Listed Buildings in the locality.

Relevant Planning History

Application 13/01132/FUL was for the erection of a greenhouse on agricultural land and was granted on 04/06/2013. The proposed greenhouse was to be approximately 2.5 metres in width by 5.3 in length, with an overall height of 2.62 metres. It would be constructed of a powder coated aluminium alloy frame, with glass walls, doors and windows and a single solid brick plinth base. In contrast, the application for the agricultural store (garden room) is for a larger structure, different building materials and in reality a different use.

The greenhouse was approved as it was deemed to be related to the essential needs of agriculture, with the previous owner of the property using the site for raised beds and to grow a variety of vegetables. The greenhouse was never constructed and planning permission lapsed after 3 years. Condition 3 of the approval was that, in the event of the greenhouse *'ceasing to be used for agricultural or horticultural purposes'*, *'it shall be demolished and removed from the site and the land restored to pasture or arable cultivation within six months of the cessation of such use'*. The reason Mid Sussex District Council (MSDC) gave for this was that the site was within a Countryside Area of Development Restraint where, *'in accordance with Structure and Local Plan policies, development unrelated to the essential needs of agriculture would not normally be permitted'*. In the Delegated Report relating to the application a covenant is mentioned which stipulates that no building or structure should be built on the land, whilst not a planning matter it is a further indication of restraints in place on the site.

Two further applications have been made, one seeking permission for the building to be used as a garden room (yet to be determined **DM/22/3875**) and one for the land to be used as residential garden (this application was refused **DM/25/0886**). Within that application, the supporting documentation accepted that the land was regularly used for various domestic purposes.

Planning Policy and Assessment

Local planning policy at District and Parish level explicitly outlines how Staplefield's location within the HWNL means that development should be directed to appropriate locations and that sporadic non-essential buildings should be avoided in decision making. With this in mind, sporadic built form/outbuildings, such as this, whatever the intended use, should not be built other than in the most appropriate location – close to existing buildings.

The above point is further strengthened by the Ansty, Staplefield and Brook Street Neighbourhood Plan (2017). The Plan's objectives, outlined on page 16, are to *'protect the environment of the Neighbourhood Plan area in terms of its rural identity, landscape setting and local green spaces of importance'*. Indeed, the strategic objectives of the MSLP include the commitment *'To protect valued landscapes for their visual, historical and biodiversity qualities'*, with *'Protecting and enhancing the environment'* also being one of the four priority themes for the Plan as a whole.

MSLP policy DP16 'High Weald Area of Outstanding Natural Beauty' (now National Landscape) also specifically relates to protecting this area. Under this policy, development *'will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan'*. This policy also outlines how *'the identified landscape features or components of natural beauty'*, *'character and local distinctiveness'*, as well as *'the conservation of wildlife and cultural heritage'* are key factors in permitting development within the HWAONB. Although this proposal could be considered small scale, it cannot be said to *'support the economy'* of the AONB/NL and is not *'compatible with the conservation and enhancement of natural beauty'*, as stipulated in policy DP16.

Paragraph 189 of the NPPF recognises the National Landscape as having the highest status of protection in relation to conserving and enhancing landscape and scenic beauty. As such, the NPPF attaches great importance to the design of the built environment and places great weight on

conserving the landscape within the High Weald National Landscape. The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on planning authorities to 'seek to further the purpose of conserving and enhancing the natural beauty of the area' when considering developments in National Landscapes (NLs). The new duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of NLs and is intended as a more proactive and strengthened requirement.

Given that the land in question is agricultural and surrounded by further agricultural land within a green open rural setting, we feel that the general principle outlined in the Neighbourhood and District Plans of *'protecting the environment and valued landscapes'* is fundamental to determining this retrospective application. This principle is further supported by MSLP policy, DP12, on the *'Protection and Enhancement of Countryside'*, which outlines how *'The countryside will be protected in recognition of its intrinsic character and beauty'*.

MSLP policy DP12 specifically states that development will only be permitted in the countryside, defined in the document as the area outside of built-up area boundaries on the Plan's Policies Map, if *'it maintains or where possible enhances the quality of the rural and landscape character of the District'*. This application concerns a non-agricultural focused outbuilding which contravenes the purpose of policy DP12 and, if approved, would lead to a sporadic and isolated built form in a rural area, which would be harmful to local character. Even if accepted as 'agricultural' it is not appropriately positioned, in relation to other built form locally.

The applicant's agent states this 'agricultural store' appears 'to take the form of a typical garden room'. The building was and clearly is not intended for agricultural use and looks like a domestic 'garden room', because that is what it is. The building is completely out of place in an agricultural field being domestic in nature with large glass frontage and a step to enter and is typical of any garden room and not agricultural building. At present it is furnished with living room furniture. The application very clearly misrepresents intent and is an attempt to bypass planning restrictions.

The application fails to demonstrate any genuine agricultural need that would justify this out of character building being retained/used for agricultural purposes, they have a garage for equipment storage already and in both previous applications they have admitted using the field for recreational purposes, something that is regularly experienced locally. In the application the previous refused application the supporting statement stated that the land was used regularly for various domestic purposes. Nothing has changed since then, with the field still being used as garden with trampoline, football nets and paddling pool as well as shipping containers. The building in question houses a sofa. The field has taken on the appearance and function of serving and being incidental to the enjoyment of the dwelling with nothing of any agricultural nature taking place. The original picket fence that surrounded the front garden of the cottage was removed a while ago and there is no longer a physical boundary between the curtilage of the house and the agricultural land. It continues to be mown weekly as a garden lawn. The noise that now emanates from such blatant domestication of the land is substantial and very different to that of agricultural land and wholly inappropriate within the NL what was until recently a tranquil place of rural character.

The proposed outbuilding is sited very close to a Grade II Listed Building, Tyes Place, an asset categorised as being 'of the highest significance' by the NPPF. In Part 16 of the NPPF on *'Conserving and enhancing the historic environment'*, there is a requirement by Local Planning Authorities to *'identify and assess the particular significance of any heritage asset that may be affected by a proposal'*. Given Tyes Place's significance as a Grade II Listed Building, harm (less than substantial) would also be caused to the setting of this building, as well as a farmyard, by the siting of the building so close to the Listed Building. The outbuilding can also be seen from the footpath and from the neighbouring gardens. The Conservation Officer refers to the existing landscaping needing to be enhanced/supplemented via conditions – but in other schemes the same officer has referred to the fact that planting cannot be relied upon to screen new buildings from heritage assets. As a result, less than substantial harm results and there being no public benefit from the proposed development, this is a further reason for refusal of the application.

Other Issues

We, therefore, suggest that MSDC should initiate enforcement action now to ensure that the unauthorised use of the land and building is discontinued, the building removed and the authorised use as agricultural is re-established. A failure to do so would extend permitted development rights to the land and lead to an unacceptable change in the character of the area, which would be to the detriment of the HWAONB and the setting of the Grade II Listed Tyes Place and other Listed Buildings in the area. Furthermore, the overall residential amenity of the neighbours surrounding the site is also being affected by the unauthorised use of the land and building and this a further factor to take into consideration, as is the impact of increased noise from the recreational activities on the land.

Since the applicants moved to the property there has been no evidence of agricultural use of the land. In fact, the complete opposite is the case with the field increasingly mown and used as an extension of the domestic garden with trampoline, football nets and paddling pool as well as other leisure equipment. All attempts by the planning department to request that they cease using the field as a garden have been ignored. This ongoing disregard raises serious doubt that the building would be used for agricultural storage, something supported by the planning history. There is already a large garage at the property for storage and there are 2 shipping containers illegally placed on the field.

Conclusions

Given the above, our objections to the proposal can be summarised as follows:

- This retrospective application relates to a non-agricultural in-situ outbuilding/ garden room located on an agricultural field to the north of South Meadow Cottage. The application seeks to indicate that an agricultural use will be established.
- The building is totally unsuitable for this purpose.
- There is no agricultural activity taking place on the site.
- Sporadic built form/outbuildings should not be built on agricultural land unless carefully sited and essential, the application proposal fails in both regards.
- MSLP policy DP12 specifically states that development will only be permitted in the countryside, if *'it maintains or where possible enhances the quality of the rural and landscape character of the District'*.
- The application site is within the HWAONB, which both local and national policy gives great weight to in regard to conserving it's character, landscapes and visual and scenic beauty.
- MSLP policy DP16 emphasises the need protect the HWAONB, stating that development *'will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan'*. The proposed building fails to enhance the natural beauty of the HWAONB.
- Although small scale, it cannot be said to *'support the economy'* of the AONB and is not *'compatible with the conservation and enhancement of natural beauty'*, as stipulated in policy DP16.
- The proposed development will adversely impact upon the wider setting of the HWAONB given the site's location, which is surrounded by fields, and there is a sensitive RSPB conservation area on the other side of the lane.
- The area around the application site has the highest status of local and national protection when considering the planning balance.
- The building is sited very close to a Grade II Listed Building, Tyes Place, an asset categorised as being *'of the highest significance'* by the NPPF. Less than substantial harm would be caused to the setting of this building by the siting of a non-agricultural building close by, contrary to the NPPF. With no public benefit resulting from the development, this matter constitutes a further reason to refuse the application.
- We, therefore, suggest that MSDC take enforcement action now to ensure that the intended authorised use of the land as agricultural is maintained and the unauthorised building and uses are removed/cease.

In view of the above, we conclude that the development proposed in this retrospective application is not consistent with the aims and detailed requirements of the NPPF, the Neighbourhood and District

Plan, visually harmful to the HWAONB and setting of the neighbouring Listed Building and should be refused planning permission.

Yours sincerely,

Peter Rainier | Principal Director of Planning |
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