

Change of use of existing stables and agricultural barn to a mixed agricultural and B1(a) use building to enable a flower workshop area, storage of materials associated with the flower growing enterprise and offices and erection of a poly tunnel at Hurstlands, Chalkers Lane, Hurstpierpoint, Hassocks, West Sussex

Planning Statement



On behalf of Mr. Peter Dell

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1.0 Introduction

- 1.1 This Design, Access and Planning Statement has been prepared on behalf of our client Mr. Peter Dell to support a planning application for change of use of an existing stables and agricultural barn to a mixed agricultural and B1(a) use building to enable a flower workshop area, storage of materials associated with the flower growing enterprise and offices and erection of a poly tunnel at Hurstlands, Chalkers Lane, Hurstpierpoint, Hassocks, West Sussex. The change of use of the building would support the budding floriculture enterprise.
- 1.2 This statement should be considered alongside drawings of the proposal prepared by Sussex Architectural Services.
- 1.3 Planning permission was obtained for stables and tack room and store under Council Ref: 10/02534/FUL. During the construction of the building minor amendments were made to the building due to constraints of the site and this led to the site's fairly chequered planning history.

2.0 The Application Site and Context

- 2.1 The application site is at Hurstlands, a C3 residential property that will remain in separate residential use. The site comprises several fields part of which has been cultivated to produce flowers and the remainder has the potential for further expansion. There is a barn which has planning permission for a dual equestrian and agricultural use. The site is located on the north side of Chalkers Lane, Hurstpierpoint. The application site is shown outlined in red in Figure 1.
- 2.2 The site is in the open countryside but not within any specially protected area. The edge of South Downs National Park lies approximately 1½ miles to the south. The site is not proximate to any heritage assets and sits within flood zone 1, the lowest risk zone.
- 2.3 Surrounding the site are open fields set to arable crops and grazing and scattered residential dwellings. 200 metres to the east is Hurstpierpoint College campus. The centre of Hurstpierpoint is a mile to the south. Several large housing developments permitted close by which are at varying stages of construction.
- 2.4 The site is shown in its location below.



Figure 1: The Application Site

3.0 Relevant Planning History

3.1 The site has a number of applications relevant to the determination of the current proposal. These are set out in the table below.

Council Reference	Address	Proposal	Decision	Date
DM/17/1293	Hurstlands, Chalkers Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9LR.	Proposed steel framed polytunnel.	Refuse	08/05/2017
13/01067/F UL	Hurstlands, Chalkers Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9LR.	Planning application for partially built stables to be completed.	Refuse	27/06/2013
12/01783/C OU	Hurstlands, Chalkers Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9LR.	Part change of use of part of the stables to holiday accommodation with installation of 12 solar heating panels.	Refuse	17/07/2012
10/02534/F UL	Hurstlands, Chalkers Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9LR.	Stables and tack room and store.	Approve	16/03/2011

3.2 The Council refused the prior notification application submitted by the applicant under Council Ref: DM/17/1293 as it was considered that the

applicant did not satisfactorily demonstrate that the land is "*agricultural land*" within the meaning of paragraph D.1 of Part 6 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It noted Full planning permission was therefore required. This application seeks the full planning permission deemed to be required by the Council for the poly tunnel.

4.0 The Proposal

- 4.1 It is proposed to change the use of an existing building on site which is currently used for stabling and hay storage. The building would be used as an office from which to operate the business run from the land. There would also be a cutting area, workshop area and store area to allow the floriculture business to operate effectively. In this area flowers would be prepared and assembled for sale (not from the site).
- 4.2 It is also proposed to erect a 110 M² poly tunnel to allow the planting season to be extended meaning that the business can run effectively year round as opposed to just being a seasonal business.
- 4.3 The applicant has already demonstrated their commitment to the proposal through the planting of a number of flower beds and significant investment in the enterprise to date.

5.0 Relevant Planning Policy

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies in the development plan, unless other material considerations indicate otherwise.

5.2 This section of the statement explains how the planning application complies with relevant planning policy and identifies a strong body of material considerations that also support the grant of planning permission in this particular case.

5.3 The relevant documents that comprise the Development Plan are:

- The Mid Sussex Local Plan (adopted 2004)
- The Hurstpierpoint and Sayers Common Neighbourhood Plan (adopted 2015)

5.4 In addition to these documents, there is also a need to consider relevant Planning Policy Guidance contained within the National Planning Policy Framework (2012).

National Planning Policy Framework (NPPF) (2012)

5.5 On 27th March 2012, the National Planning Policy Framework (NPPF) was published, with the policies in the Framework applying with immediate effect. It confirms Local Planning Authorities should approach decision taking in a positive way seeking solutions not problems.

5.6 The foreword to the NPPF provided by RT HON Greg Clark MP offers an important insight into the Government's aims for the Planning System. It confirms that planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.

- 5.7 The pursuit of sustainable development is described at paragraph 9. It confirms that this involves, inter alia, making it easier for jobs to be created in villages. The applicant's proposal represents a prime opportunity to achieve that aspiration through a sensitive farm diversification scheme.
- 5.8 Paragraph 14 states that a presumption in favour of sustainable development is "at the heart of" the NPPF, and then goes on to explain what this means for plan-making and decision-taking. For decision-taking, we are told it means that (unless material considerations indicate otherwise) proposals which accord with the Development Plan should be approved without delay, and also that where the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or (b) specific policies in the NPPF indicate development should be restricted.
- 5.9 This is a reasonably straightforward explanation as to how the presumption in favour of sustainable development is intended to operate in practice, drafted so as to be applicable to the determination of all development proposals. Prompt approval of those that accord with the Development Plan (unless material considerations indicate otherwise) equates to applying the presumption, without the need for any prior decision as to whether the proposal would be "sustainable development". Similarly, where the Development Plan is absent, silent or relevant policies are out of date, no separate decision as to sustainability is specified: rather, the decision-taker is enjoined to grant permission unless either the adverse impacts would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate the development should be restricted.

5.10 The "decision-taking" guidance of paragraph 14 affirms the applicability of the statutory planning balance (that is, determining proposals in accordance with the Development Plan, unless material considerations indicate otherwise) in situations where there is an up-to-date Development Plan. But in situations where the Development Plan is absent, silent or relevant policies are out of date, paragraph 14 effectively shifts the fulcrum of that planning balance; the test instead becomes whether the adverse impacts would significantly and demonstrably outweigh the benefits. However, the final part of paragraph 14 makes it clear that this shift in the decision-taking process does not apply where specific policies in the NPPF indicate development should be restricted, and footnote 9 then lists some examples of such policies. The site is not subject to any of the examples listed at footnote 9.

5.11 Paragraph 17 contains a set of core land-use planning principles that should underpin decision-taking. The bullet points indicate that planning should:

- *"proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs."*

- *"Encourage the effective use of land by reusing land has been previously developed (brownfield land), provided that it is not of high environmental value"*

And;

- *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it"*

- 5.12 The proposal would make use of an existing building and would provide a boost to the local economy through the provision of a new business. The site is not located in a sensitive area and would support the thriving rural community in and around Hurstpierpoint. The proposal is fully supported by the Government's core planning principles which we deem should be afforded significant weight given the Government's desire that these "*underpin*" decision taking.
- 5.13 The NPPF contains policies specifically relevant to building a strong, competitive economy in section 1 paragraphs 18 – 22. The tone for the application of these policies is set by the Government's express purpose for the policies which is "*securing economic growth in order to create jobs and prosperity.*"
- 5.14 Paragraph 19 expands on this confirming that "*The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*"(Paragraph 19)
- 5.15 This is a particularly important material consideration. The application proposal would assist Mid Sussex District Council in delivering a strong, competitive economy. It would make effective and appropriate use of a under utilised existing building whilst helping a fledgling business to grow. The proposals are supported by paragraph 19 of the NPPF.
- 5.16 Section 3 of the NPPF has regard to supporting a prosperous rural economy. Paragraph 28 confirms that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To achieve this, local plans should, *inter alia*, support the sustainable growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new buildings

and promote the development and diversification of agricultural and other land-based rural businesses.

- 5.17 As is evident above, there is strong support for the proposal contained within national planning policy.

The Mid Sussex District Local Plan (adopted 2004)

- 5.18 The NPPF indicates that “full weight” may continue to be given to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF.
- 5.19 The Mid Sussex Local Plan (2004) was adopted prior to this period and therefore the policies contained within it cannot be afforded “full weight”.
- 5.20 Due weight can continue to be attached to relevant policies within the Local Plan dependent on their conformity with the NPPF.
- 5.21 Policy C1 concerns development in the countryside. It notes that development that would extend the built-up area boundaries beyond those shown will be firmly resisted. It provides a list of exceptions. One such exception is proposals for new uses in rural buildings of a scale consistent with the building’s location.
- 5.22 Policy C12 relates to proposals for the diversification of activities on existing farm units. They will be permitted subject to a number of criteria. Of most relevance to the applicant’s proposal the proposal should be of a scale consistent to the location of the farm holding, would not prejudice the use of the agricultural unit and would not prejudice highway safety.
- 5.23 In this case, the scale is very modest, cumulative total of floorspace of the existing barn and poly tunnel is less than 300 M². It would enhance the use of the agricultural unit by allowing the floriculture business to flourish.

- 5.24 Policy C13 sets out the Council's stance relating to the re-use or adaptation of rural buildings within countryside areas of development. Re-use will be permitted subject to the proposal meeting certain criteria. Most notably the policy favours business use over residential (although this is inconsistent with the Framework) and the activity proposed must not have an adverse impact on the character and appearance of the area or amenities or local residents. The final criterion notes proposals for the re-use of recently constructed agricultural buildings which have not been used or little used for their original purpose, will be refused.
- 5.25 The proposal is of a modest scale and would not impact on the amenity of local residents. Please refer to paragraph 5.23 above.
- 5.26 The final element of policy C13 is inconsistent with the Framework. Paragraph 28 notes that rural businesses should be supported through the erection of new buildings and conversion of existing ones. It would therefore be acceptable as a matter of principle for the applicant's to apply for a brand new building. The existing barn is 6 years old. Policy C13 does not specify what is deemed to be "recently constructed". The Framework does however say that presumption in favour of sustainable development approving development proposals that accord with the development plan without delay. It goes against the aspirations of the framework to hold up otherwise acceptable development unnecessarily until a building is no longer "recently constructed".
- 5.27 Policy B1 has regard to design, construction and layout. The policy confirms these aspects of development should be addressed to a high standard for new buildings, including alterations and extensions.
- 5.28 The proposed change of use has been carefully considered and designed to a high standard in line with Policy B1. Only very modest changes to the exterior of the building are proposed which help it to maintain its agricultural character. The building maintains sympathetic palette of materials which respects the character of the countryside.

5.29 Policy B3 addresses residential amenity. It indicates that proposals for changes of use will not be permitted if significant harm to the amenities of nearby residents is likely to be created. The building that is the subject of the proposed change of use is approximately 50 metres away from the nearest residential property. Substantial existing screening would prevent overlooking from the roof lights inserted to serve the offices and workshop area. The proposal will attract some additional vehicular movements although these would be some 12 metres away from residential properties and are very unlikely to cause significant, if any, harm to residential amenity. Traffic driving along Chalkers Lane would pass closer to the existing dwelling than those visiting the site.

The Hurstpierpoint and Sayers Common Neighbourhood Plan (adopted 2015)

5.30 The Hurstpierpoint and Sayers Common Neighbourhood Plan has regard to the economy and employment in chapter 6. Its main aim is to *"Encourage existing businesses to prosper and attract new businesses with high-quality employment opportunities"*.

5.31 The Plan explicitly seeks to encourage opportunities for a wide range of jobs, from part to full-time, manual and 'white-collar', and in the service, retail, agricultural and production sectors.

6.0 Conclusion

- 6.1 This statement has identified a raft of supportive planning policy confirming that the proposal should be acceptable. We have identified policy changes outlined in the NPPF that dramatically alter the acceptability of the proposals compared to an assessment purely against the outdated 2004 local plan policies.
- 6.2 Significant support is given to the proposals by the Government's desire for "the planning system does everything it can to support sustainable economic growth." The proposal would make use of an existing underutilised and put it to a modest employment generating use, fully in line with paragraph 28 of the Framework.
- 6.3 The proposal should be considered in the light of paragraph 14 of the NPPF. There would be no adverse impacts arising from the proposed development that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. There are also no specific policies in the NPPF indicate development should be restricted. The proposal should therefore be fully supported by the Council and approved subject to appropriate conditions.