

Delegated Decision Sign off Sheet

Case Number:	LX/23/01015/FUL	Case Officer:	Sascha Haigh
Proposal:	Retention of 1 no. mobile home for residential occupation by an agricultural worker in connection with animal husbandry for a temporary period of 3 years, resubmission of LX/22/03039/FUL.		
Site:	Mill House Farm, Drungewick Lane, Loxwood, Billingshurst West Sussex RH14 0RS		
Applicant/Agent:	Agent Details : Phil Rowe Melton Lodge, Rusper Road, NEWDIGATE RH5 5BX, United Kingdom ,		
Application Type:	Full Application		
Site Visit:	N/A		
Map Ref:	(E) 505728	(N) 130204	
Parish:	Loxwood	Ward: Loxwood	

Red Card?	N	Stat. Consultee Objections?	N	Parish Objection	Y
Third Party Representations?	0	Overall Publicity Expiry Date:	15 June 2023	CIL Liable	N/A
Legal Agreement?	N	Extension of Time?		N/A	
Recommendation:	REFUSE		Expiry Date:	9 August 2023	
Decided Plan(s):					
Recommendation Date:	22 June 2023				
Recommendation By:	Sascha Haigh				
Signed Off by:	Martin Mew				

1. Site Description, Proposal and History

The Site and Surroundings

The application site, known as Mill House Farm is located outside of any settlement boundary area, to the east side of Drungewick Lane within the rural parish of Loxwood.

The building subject to this application comprises a mobile home which is currently sited within an existing open-fronted barn within the site.

The wider site is 2.5hectares including grazing land, woodland and farm buildings. The site is well screened from the wider area by mature woodland and trees. The farm buildings are located to the west of the site, accessed from the entrance on Drungewick Lane.

The site falls within the Sussex North Water Resource Supply Zone

The Proposal

Planning permission is sought for the retention of a mobile home for residential occupation by an agricultural worker in connection with animal husbandry for a temporary period of three years resubmission of LX/22/03039/FUL.

Planning History

21/01852/PA3Q - Proposed change of use from an agricultural building to 1 dwelling (C3 Use class).

STATUS: YESPAR 15th October 2021

22/00470/PA3Q - Proposed change of use from agricultural buildings to 4 dwellings - (C3 Use class); Class Q (a).

STATUS: YESPAR 14th April 2022

22/00637/PA3Q - Proposed change of use from agricultural building to 1 dwelling - (C3 Use class).

STATUS: YESPAR 14th April 2022

22/01478/FUL - Extension to 2 no. barns and addition of cart shed doors.

STATUS: PER 30th September 2022

22/03039/FUL - Retention of a mobile home for residential occupation by an agricultural worker in connection with animal husbandry for a temporary period of three years.

STATUS: REF 9th March 2023

23/00835/PA3Q - Proposed change of use from agricultural buildings to 1 dwelling - (C3 Use class); resubmission further to LX/21/01852/PA3Q.

STATUS: YESPAR 30th May 2023

2. Representations and Consultations

Consultations and Representations

Parish Council

The Parish Council consider that the water neutrality solution appears to be un-enforceable and the application should not be permitted whilst this remains the case.

Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES As submitted, the application could have potential significant effects on: o Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: o A revised Water Neutrality statement which includes evidence of how the application's proposed water use and measures to mitigate for any adverse effects can be secured by an appropriate mechanism.

Without this information, Natural England may need to object to the proposal.

WSCC Highways

I refer to your consultation in respect of the above planning application and would provide the following comments. This application is re-submission of the refused 22/03039/FUL and seeks an approval for retention of 1 no. mobile home for residential occupation by an agricultural worker in connection with animal husbandry for a temporary period of 3 years. The Local Highways Authority (LHA) raises no highways safety concerns, please refer to highways comments provided under 22/03039/FUL when deciding this application.

Environment Agency

We have no objections as the proposed development as submitted.

CDC Drainage Engineer

Surface Water Drainage: The mobile home is sited within another structure and therefore surface water drainage is unchanged from the existing situation, therefore we have no objection to the proposals from a drainage perspective.

Flood Risk: The site is within flood zone 1 (low risk), but the mapping layers at my disposal highlight a risk of surface water flooding (the buildings at this location appear to sit within a surface water flooding flow path). Therefore, I suggest that the Lead Local Flood Authority (WSCC) and the EA are consulted specifically about the appropriateness of residential accommodation at this exact location, given the surface water flood risk.

Third Party Representations

None received

3. Relevant Planning Policy

The principal policies and neighbourhood plans relevant to the consideration of this application are as follows:

Chichester Local Plan 2014-2029:

Policy 1 Presumption in Favour of Sustainable Dev
Policy 2 Dev Strategy and Settlement Hierarchy
Policy 3 The Economy and Employment Provision
Policy 25 Development in North of the Plan area
Policy 33 New Residential Development
Policy 37 Accmmdtn for Agr and other Rural Workers
Policy 45 Development in the Countryside
Policy 48 Natural Environment
Policy 49 Biodiversity

National Policy and Guidance

The Core Planning Principles and relevant paragraphs of the NPPF have been considered including sections 2, 4, 11, 12 and 15.

Other Local Policy and Guidance

Consideration has also been given to:

- o Surface Water and Foul Drainage SPD

4. Planning Considerations

The main considerations are:

- i. Principle of development
- ii. Design and Impact upon Visual Amenity/Character of Area
- iii. Impact upon the amenity of neighbouring properties
- iv. Other matters: Impact upon European Sites

Principle of Development

The application site is located outside of any defined settlement boundary area. Development outside of a Settlement Boundary is restricted to that which requires a countryside location or meets an essential local rural need. Policy 37 relates to Accommodation for Agricultural and other Rural Workers. Development proposals which are necessary to meet the accommodation needs of full-time workers in businesses requiring a countryside location.

Policy 37 states development proposals which are necessary to meet the accommodation needs of full-time workers in agriculture, forestry or other businesses requiring a countryside location should demonstrate that all the following criteria have been met:

1. Provision on-site or in the immediate vicinity is essential for the operation of the business;
2. No suitable accommodation exists or could be made available in established buildings on the site or in the immediate vicinity;
3. The proposal does not involve replacing a dwelling disposed of recently as general market housing;
4. The dwelling is no larger than is required to meet the operational needs of the business; and
5. The siting and landscaping of the new dwelling minimises the impact to the character and appearance of the countryside and ensures no adverse impact on designated sites.

Where a new dwelling is granted, this will be the subject of a condition ensuring the occupation will be limited to a person solely or mainly working, or last working in the locality in agriculture, forestry or other rural business.

The application seeks a temporary permission for the siting of a mobile home for an agricultural worker in connection with animal husbandry. The supporting statement identifies that the applicant is involved in Alpaca breeding which is an intensive agricultural use. Currently, the applicant has six pregnant alpaca and two infants born in 2022.

There is a stone building on-site which is proposed to be converted in the future as an agricultural workers dwelling, this currently does not have planning permission and is not suitable for habitable accommodation at this time. Therefore a temporary permission is sought for the retention of the mobile home which has been sited within an existing open fronted barn.

The applicant intends to increase the herd to 15 breeding alpaca.

Paragraph 80 of the NPPF allows isolated new dwellings in the countryside where there is an essential need for a rural worker to live permanently at or near their place of work. The supporting

Essential Needs Appraisal identifies the practices and activities involved in alpaca breeding. The planning inspectorate has previously concluded that alpaca breeding can result in an essential need for an agricultural worker to be accommodated on-site.

The mobile home is not prominently sited and cannot be viewed from the wider area and therefore it is considered that criteria 5 of Policy 37 would be satisfied. Officers however do consider that the temporary provision would be appropriate as the mobile home would not be suitable as a long term dwelling within the site. The mobile home is modest in size and would therefore comply with criteria 4 of Policy 37.

Overall, officers consider that the principle of a temporary agricultural workers dwelling would be acceptable, subject to that mobile home being restricted to an agricultural workers dwelling by condition.

Design and Impact upon Visual Amenity/Character of Area

Policy 37 of the Local Plan sets out that the siting and landscaping of the agricultural workers dwelling would minimise the impact on the character and appearance of the countryside. The mobile home is located within an existing barn and is therefore largely screened by the larger barn structure. Additionally, the mobile home is well sited in relation to the cluster of buildings already on the site and therefore the impact on the character of the area would be limited.

Overall, the proposal would not give rise to an unacceptable impact on the character of the area and would therefore comply with Policies 37 and 45 and the CLP.

Impact upon the amenity of neighbouring properties

The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

The proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light.

Other Matters

Water neutrality has arisen as a serious issue affecting applications located within the Sussex North Water Resource Zone. New development tends to result in water consumption increasing and the application site is situated in an area of serious water stress. Much of this area's water (i.e. 'North of the Plan Area') is sourced from abstraction points within the Sussex North Water Supply Zone, which drains water from the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Site (all designated sites under the Habitats Regulations).

Natural England sent a Position Statement to Chichester District Council and adjoining Local Planning Authorities on the 14th September 2021 expressing a very serious concern that such abstraction may be causing significant adverse impacts on the biodiversity of such areas. The Position Statement confirms that new developments must not add to these adverse impacts.

Development in the Sussex North Water Resource Zone, including the application site, must demonstrate that it does not increase pressure on water resources. In other words, it must be 'water neutral'. This can be achieved by having significant water efficiency measures built into development and by providing offsetting measures to reduce water consumption from existing development.

The onus is on developers to demonstrate deliverable water neutrality for their proposals. Developers who can demonstrate water neutrality and who enter into legal obligations to secure it

will be able to proceed. For those applications which do not, the decision maker, as a matter of law, has no choice but to refuse planning permission.

In such instances, the implications from the proposed development (that is the increased water demand), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to first be screened through the initial Habitat Regulation Assessment (HRA) and then tested by the council via an Appropriate Assessment (AA) to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). The completion of an AA is wholly reliant upon the applicant providing a water neutrality calculation, to demonstrate the current and proposed water demand produced by the proposed development and a mitigation package/proposal (if required) to offset any increase in water use.

The application has been accompanied by a water neutrality statement, prepared by Motion (April 2023), which states that to off-set the water demand, it is proposed to import water from outside of the SNWRZ to be stored in an above ground tank (3000l) insulated tank. This tanked water supply will be pumped into the dwelling for drinking and portable water uses.

Unfortunately, this presents various uncertainties, including the long-term supply of the fresh water, as it would be necessary to ensure the tanked water supply for the lifetime of the development is from outside of the SNWRZ. The applicants have advised the water would be sourced by Liquiline Limited (or another approved company which is outside of the SNWSZ); however, it would not be possible for the Local Planning Authority to be certain the water would be sourced from the specified companies, outside of the SNWRZ. This is of particular concern given the frequency of deliveries, which would be a minimum of every 28 days or as stated within Para 5.12 every 14 days.

The Local Planning Authority take this view given the lack of long-term control over where the tanked water supply would be sourced for the lifetime of the development, as it is considered unlikely the supply of water could be secured/enforced via a S106 agreement. It is also unlikely a condition seeking to control the source of the tanked water would meet the six tests for planning conditions, as set out within the NPPF. Therefore, there would be a lack of certainty and a clear lack of controllability over where the tanked water would be sourced from. It is for this reason the LPA do not consider the proposed offsetting measures to be suitable, as echoed by Natural England on Page two of their consultee reply.

Conclusion

The proposal, by reason of its likely impact on protected European sites, would be contrary to local and national planning policies and design guidance and the Conservation of Habitats and Species Regulations 2017. The application cannot, therefore, be recommended for approval.

Human Rights:

The Human Rights of all affected parties have been taken into account and the recommendation to permit, is considered justified and proportionate.

Officer Recommendation

REFUSE

Human Rights:

The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

5. Recommendation

Officers Recommendation is to REFUSE the following: Retention of 1 no. mobile home for residential occupation by an agricultural worker in connection with animal husbandry for a temporary period of 3 years, resubmission of LX/22/03039/FUL. for the following reasons:-

1) Following the submission of a Screening Opinion request and the associated consultation, the Local Planning Authority have received comments from Natural England relating to the Loxwood Neighbourhood Plan, and Sussex North Water Supply Zone; in which the application site is located in. The comments state that any developments in Chichester District which fall within the Sussex North Water Resource supply zone will need to be tested through an HRA. This is because Natural England have advised they cannot with certain the abstraction of water from the Sussex North Water Resource, is not having an adverse impact on integrity on the Arun Valley SPA, SAC and RAMSAR. Subsequently Natural England has published a position statement which is clear that development must not add to the impact of water abstraction upon these designated sites. The Local Planning Authority considers that the proposal would likely lead to an increase in water consumption which is likely to have a significant effect upon European Designated Sites. Insufficient information has been submitted to assess the impacts of the development upon water consumption and thereby assess the significance of any impacts from the proposed development and to consider any mitigation measures that might be necessary. In the absence of this information, it cannot be established that the proposal would not be likely to have a significant effect on the Arun Valley SPA, SAC and RAMSAR and is therefore contrary to the aims and objectives of the National Planning Policy Framework, and the Conservation of Habitats and Special Regulations (2017).

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

2) This decision relates to the following plans:
2202MI_R0_000

Approved Plans

Details	Reference	Version	Date Received	Status
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