



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/21/1878

Maple Farm, Marches Road, Warnham, Horsham, West Sussex, RH12 3SL

DESCRIPTION:

Prior notification for change of use of an agricultural building to residential (Use Class C3) to form 5 no dwellings with associated operational development.

RELEVANT PLANNING HISTORY:

WN/44/01	Erection of cattle barn and new vehicular access Site: Great Marl Marches Road Warnham	Application Permitted on 27.02.2002
DC/17/1296	Prior Approval for a proposed Change of Use of Agricultural Building to B8 Storage with ancillary B1 Business	Prior Approval Required and PERMITTED on 04.08.2017

SITE AND SURROUNDINGS:

The site forms a 450sqm agricultural building located on the Northern Side of Marches Road, approximately 2km to the north of Warnham, and within the open countryside. The building is used in association with Maple Farm, the main farmstead of which lies 250m to the south on the opposing side of Marches Road. The building is located within part of the holding that has been fenced off but which is linked to agricultural land to the north and west. It is accessed directly from Marches Road.

DETAILED DESCRIPTION:

This notification seeks prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 to form 5 dwellings.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

HDC Environmental Health: No Objection, subject to conditions

WSCC Highways: No Objection, subject to conditions

Parish Comments:

None received

Representations:

Three (3) letters of representation received from two (2) separate addresses *objecting* to the proposal on the following grounds:

- Resultant poor quality housing
- Inadequate garden space provision
- Poor transport links
- Highways safety concerns
- Lack of local amenities
- No need for small housing development in the area

One (1) letter of representation received neither objecting to nor supporting the proposal, raising the following comments:

- The application should be conditioned to avoid encroachment into the adjacent field
- adequate ingress and egress for farm vehicles and agricultural machinery in future should be provided without impacting the proposed residential occupation
- Residential amenity space should be provided
- Adequate ceiling heights should be provided
- Adequate waste removal should be provided within impacting local amenity

HUMAN RIGHTS

Article 8 (right to respect of a private and family life) and Article 1 of The First Protocol (protection of property) of the Human Rights Act 1998 are relevant to the application. Consideration of human rights is an integral part of the planning assessment set out below.

PLANNING ASSESSMENT

The main issue is whether prior approval is required for the proposed change of use and conversion of the existing agricultural building to provide a 5 dwellings under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Permitted development

Q. Development consisting of—

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or
- (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

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

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—
 - (i) on 20th March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

- (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;**

Paragraph X of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 ('interpretation of Part 3') states that 'agricultural building' means a building used for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouses, and 'agriculture use' refers to such uses.'

Section 336(1) of the Town and Country Planning Act 1990 states that 'agriculture' includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where the use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly.

The site was in agricultural use as part of an established agricultural unit at the time of this application, and has clearly been in agricultural use since 2002. Whilst permission was granted in 2017 to convert the barn into B8 use with an associated B1 office, this permission was not implemented- there is no visual evidence to suggest that this permission was implemented.

- b) in the case of—**
(i) a larger dwellinghouse, within an established agricultural unit—
(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or
(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

The proposal seeks prior approval for one larger dwellinghouse, measuring 406m². The cumulative floor space of the existing building as applied for under Class Q is 450m². The proposal is therefore considered to meet the requirements of (b).

- (ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;**

None of the proposed dwellings exceed 465m².

- (c) in the case of—**
(i) a smaller dwellinghouse, within an established agricultural unit—
(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or
(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

The proposed seeks prior approval for 4 smaller units, each measuring 96m². The proposal is considered to meet the requirements of (c).

- (d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—**
(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The proposed seeks prior approval for one larger (measuring 406m²) and 4 smaller units, totally 5 units. The proposal is considered to meet the requirements (d).

- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;**

The site is in the ownership of the applicant. The proposal is considered to meet the requirements of (e).

- (f) less than 1 year before the date development begins—**
(i) an agricultural tenancy over the site has been terminated, and
(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

N/A

- (g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—**
(i) since 20th March 2013; or
(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

No development carried out under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out.

- (h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;**

No extensions to the existing building are proposed.

- (i) the development under Class Q(b) would consist of building operations other than—**
(i) the installation or replacement of—
(aa) windows, doors, roofs, or exterior walls, or
(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and
(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

The proposed only incorporates internal renovations, the connections required to necessary services. No demolition is required. External alterations comprise:

- The installation of 11x rooflights;
- The insertion of 2x bi-folding door units to the ground floor northern elevation;
- The insertion of 2x windows to the first floor northern elevation;
- The insertion of 6x bi-folding doors to the eastern elevation;
- The removal of the existing access door to the western elevation;
- The insertion of 8x windows to the ground floor western elevation, and;
- The insertion of 4x doors to the ground floor western elevation.

- (j) the site is on article 2(3) land;**

The site is not on article 2(3) land.

- (k) the site is, or forms part of—**
(i) a site of special scientific interest;
(ii) a safety hazard area;
(iii) a military explosives storage area;

The site is not within any of these areas.

(l) the site is, or contains, a scheduled monument; or

The site is not and does not contain a scheduled monument.

(m) the building is a listed building

The building is not a listed building

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

West Sussex County Highways Team have commented on the proposal, stating that visibility from the junction into / out of site is sufficient for the road speed, and that it is not anticipated that the proposal would lead to a material increase in traffic movements over the access beyond the current agricultural use. Police data reveals that there have been no accidents on or near the junction to the site. It was however noted that a parking provision of at least 10 vehicles would be required, though not demonstrated on the submitted plan. However, given the available curtilage surrounding the building, adequate provision could be accommodated. As such, conditions are attached to ensure that this detail is submitted to and approved in writing prior to the occupation of the dwellings.

(b) noise impacts of the development,

Paragraph 109 of the National Planning Policy Framework (NPPF) requires development to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 123 of the NPPF states that 'planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

The Council's Environmental Health Officers have been consulted as part of the prior notification process, in which no noise comments were received. There are no reasons to take a different view in this instance.

(c) Contamination risks on the site,

Given the historic agricultural use of the building subject to this application, a use which the Council's Environmental Health Officers consider potentially contaminating, and the likely presence of made ground associated with the current development we are of the view that the ground on the site has the potential to be contaminated. Contamination assessments will therefore need to be undertaken to assess the risks to future site users. Conditions are therefore attached to ensure that this detail is submitted prior to the commencement of the development.

(d) flooding risks on the site,

The site is not located within or near a designated flood risk zone (2 or 3). The development would be required to be carried out in accordance with current building control regulations, and would be

expected to meet greenfield run-off rates. As such, the proposal would not likely increase flood risk on or near the site.

- (e) **whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,**

The site is located within a rural location, relatively close to the boundary to the highway, on a road that current accommodates residential dwellings. The resultant arrangement would be similar to the existing pattern of development on the street. As such, no issues are raised in regards to the location or siting of the building.

- (f) **the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application, and**

The external alterations would be appropriate to the countryside location.

- (g) **the provision of adequate natural light in all habitable rooms of the dwellinghouses,**

Each habitable room to each dwelling would be served by a window or a rooflight. Therefore, each room within each dwelling is considered to be provided with adequate light.

National Space Standards

In accordance with Section (9A) of Article 3 of the General Permitted Development Order (2021 Amendment), Schedule 2 of the Order only permits development for the creation of new dwellinghouses:

- ‘(a) Where the gross internal floor area is less than 37 square metres in size; or
(b) That does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.’*

The proposal includes a number of flatted residential units providing living space ranging from 96m² to 406m². Each unit would benefit from its own living space, in addition to bedrooms, bathrooms, and kitchens. The proposed units are therefore considered to provide adequate living space in accordance with national space standards, in accordance with Section (9A) of Article 3 of the Order.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	790m ²	450m ²	340m ²
	Total Gain		340m ²
	Total Demolition		0m ²

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Conservation of Habitats and Species Regulations

Article 3(1) of the Order grants planning permission for the classes of development specified in Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site or a European offshore marine site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77. This above process is administered under separate specific legislation, and is therefore distinct from the scope of this prior notification. It is not therefore necessary to consider the issue of water neutrality further as part of this application. An informative is instead recommended to advise that the presence of a prior approval does not confirm that a development is permitted under the GPDO, and that further written notification is required from the Local Planning Authority under Regulation 77 of the Regulations.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

- 1 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
 - (a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 2 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 1(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 1(c), unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 3 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of secure (and covered) cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of the parking, turning and access facilities shall be submitted to and approved by the Local Planning Authority in writing. No dwelling shall be occupied until the approved parking, turning and access facilities have been fully implemented. The parking turning and access facilities shall thereafter be retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

Note to Applicant:

The applicant is advised that this decision relates solely to whether the Prior Approval of the Local Planning Authority is required, it does not confirm that the proposal represents Permitted Development. The site lies within the Sussex North Water Supply Zone where Natural England has advised that water extraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site.

It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a significant effect on a European Site "must not be begun" until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect. Following this an application must be made to the Local Planning Authority for its approval. No development must be begun until the developer has received written notification of the approval of the local planning authority. For further information on this process see Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 (general development orders).

The applicant is advised that any development commenced without compliance with Regulation 75 of the Conservation of Habitats and Species Regulations 2017 would be in breach of the GPDO and would be subject to potential future enforcement action.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/21/1878

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date

Elevation & Floor plan	Proposed	1225-02 REV A	09.08.2021
Location & Block plan		1225-03	09.08.2021
Supporting Statement	Planning Statement	NONE	09.08.2021
Elevation plan	Existing	1225-01 REV A	09.08.2021

DELEGATED

Case Officer sign/initial RHERMITAGE Date: 30.09.2021

Authorising Officer sign/initial J Hawkes Date: 08.10.2021