Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0774
Kestrel Farm, Harbolets Road, West Chiltington, West Sussex, RH20 2LQ

DESCRIPTION:
Prior Notification for the conversion of an agricultural building to a single dwellinghouse.

RELEVANT PLANNING HISTORY:

DC/15/0496	Steel portal frame, grey fibre cement roof with vertical treated timber side cladding. Hardcore floor and access track (Agricultural Prior Notification)	Prior Approval Not Required on 31.03.2015.
DC/09/0267	Erection of a building comprising 3 stables, tack room, hay/feed store, extension of access road and formation of hardstanding to serve stables	Application Refused on 29.04.2009.
DC/08/2483	Erection of a building comprising 3 stables, tack room, hay/feed store, construction of sandschool and formation of hardstanding to serve stables and sandschool	Application Refused on 30.01.2009.

SITE AND SURROUNDINGS:
The application site comprises a modern barn at Kestrel Farm, located to the northeast of Harbolets Road (B2133), approximately two miles from West Chiltington Common. The building is accessed from Harbolets Road via a gate and formal driveway. The building is not Listed nor is it within a Conservation Area.

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 1no. dwellinghouse.

The agricultural building is timber clad, comprising of three roller shutter doors to the front elevation. The building was built after an application submitted in March 2015 (ref: DC/15/0496) for Agricultural Prior Notification for the barn and use of agricultural machinery, animal feed and bedding store, was issued by the Council. The proposal is for the conversion of the building to form a three-bedroom dwelling, with the insertion of a first-floor level, and the removal of the existing roller shutter doors and installation of new windows and doors to the elevations.

RELEVANT PLANNING POLICIES
National Planning Policy Framework

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: Comment: -

Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards, and hard standings.

In accordance with the recommendations of the Planning Practice Guidance, information is required on these matters and a preliminary risk assessment including a site walkover should be provided to ensure the site can be made safe and suitable for the development.

Information is also required on measures to address water neutrality requirements.

HDC Environmental Health: Comment. The Preliminary Contamination Risk Assessment prepared by EAS Ltd dated June 2025 is satisfactory. No significant contamination risk has been identified. If an application is approved, I would suggest conditions are attached.

WSCC Highways: Comment: -

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from agricultural to residential (Class C3) subject first to prior approval being granted. As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport. However, the GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

This proposal seeks prior approval for the change of use from agricultural building to residential dwelling. The site is located on Harbolets Road, a B-classified road subject to national speed limit.

Generally, the change of use from agricultural to residential dwelling would generate a reduction in material use at the site. The existing use would create a certain number of movements throughout the day, whereas the movements associated with residential use would be anticipated within network peaks. Therefore, although the nature of trips would change, the frequency would likely not exceed that of current use.

An inspection of collision data supplied to WSCC by Sussex Police over a period the past five years reveals there have been no recorded injury accidents within the vicinity of the existing access. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The WSCC Car Parking Demand Calculator indicated that a property of this size in this location would require three car parking spaces. From inspection of the plans, there appears to be space within the site for this parking demand to be accommodated. There also appears to be suitable space for on-site turning to be achievable, allowing vehicles to exit the site in a forward gear. The LPA may wish to secure details of cycle parking provision, to promote sustainable travel in the area.

In summary, the movements associated with agriculture have done so safely with no known safety highways concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

Parish Comments:
None received.

Representations:
None received.

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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 single dwelling under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The permitted development right for Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 was amended on 21 May 2024 to broaden the range of buildings that could be converted to dwellings, allow extensions to the building, and to increase the total number of dwellings from 5 to 10. Until 21 May 2025 applicants can choose to use the previous version of the permitted development as it stood prior to 21 May 2024 or the amended development right. The applicant has ticked that they wish to use the permitted development right as it stood prior to 21 May 2024, so the application has been assessed against this.

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.

A prior notification for the agricultural barn was issued in March 2015 and completed in May 2015 and the planning statement confirms that this has been used solely for agricultural purposes since. While the agricultural building was constructed in 2015 (ref: DC/15/0496), the established agricultural unit and site was in use on 20th March 2013 and the planning statement confirms that Kestrel Farm has been owned by the Applicants since 2010 when it was put to use as a small farming enterprise making silage and hay for winter fodder. The applicants have also held a County Parish Holding Number, in connection with the agricultural use of the farm, since around 2010. The Council holds no information to the contrary that the site was not solely in agricultural use as part of an established agricultural unit on 20th March 2013.

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 to provide 1no. three-bedroom dwelling, with floor area as follows: 212.14 sqm. The proposed unit would be categorised as a 'larger dwellinghouse' for the purpose of Q.1(b). The proposal is considered to meet the requirements of (b).

(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;**

No smaller dwellinghouses are proposed as part of this application, and 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;**

One larger dwellinghouse is proposed with a floor area of 214.14 sqm, this would not exceed the 465 square meters or exceed 5 units, which 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 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;

The proposal is considered to meet the requirements of (f).

(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;

The agricultural building, the subject of this Class Q application, was approved on 31st March 2015 under an agricultural prior notification – Class A(a) of Part 6 (planning ref: DC/15/0496). The planning statement confirms that this building was completed on 6th May 2015. Therefore, by the time this Class Q application was submitted, the development had been completed for 10 years before the date development under Class Q would begin. The proposal, therefore, is considered to meet the requirements of (g).

(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;

The submitted plans demonstrate that the proposal would not extend beyond the external dimensions of the existing building at a given point. The proposal, therefore, is considered to meet the requirements of (h).

(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);

Paragraph 105 of the Planning Practice Guidance in relation to building operations states the following:

'Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.'

The application has not been accompanied by a structural survey. While no structural survey has been provided, the soundness of the structure has been assessed during a site visit. It is considered limited works would be needed to convert the building into residential use. The structure has a gravel base, steel portal frame, timber walls, and metal sheeting roof. The roller doors will be infilled, and new openings will be created for windows on the east elevation and a door on the west. Rooflights are proposed on the roof. The planning statement states that given the robust nature of the steel portal frame of the building; a lightweight timber floor will be installed supported by the existing steel frame. A timber structure will be installed, spanning between the existing columns, and bolted through. Some

alterations may be required to the structural fabric of the building and infilling of existing openings, these are considered to be reasonably necessary for the conversion. The external dimensions would remain the same dimensions as existing, and there is no evidence to suggest that the building is unsuitable for conversion in its current state.

The subject building would appear capable of conversion in its own right. The measures are not considered to be of such a degree to amount to a rebuild, and the required works are therefore considered to be reasonably necessary to convert the building.

(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,

The proposal would utilise the existing access to the public highway and the driveway would be sufficient to accommodate the necessary parking demand for the site. Following consultation with WSCC, as the Local Highway Authority, no objection to the proposal has been raised. The proposal is not considered to result in harm to the function or safety of the public highway network.

(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 planning statement considered that a residential use would not result in any harmful noise and disturbance and no harm will be caused to neighbouring residential amenity. The agricultural use of the surrounding land will not result in any adverse impact upon the residential amenities of future occupiers by way of harmful noise or disturbance. The building is located a sufficient distance from any neighbouring properties and there is sufficient screening to ensure that there would be no adverse noise implications of the proposed development and a suitable living environment will be provided for future occupiers.

(c) Contamination risks on the site,

Commercial and agricultural buildings and land can be subject to significant contamination risks arising from their use, previous land uses, construction and storage of machinery, equipment, fuels, or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards, and hard standings. Risks arising from the use therefore require evaluation by the applicant.

The planning statement states that the barn has been used for the storage of agricultural machinery, animal feed, bedding, and dry storage of hay. A preliminary contamination risk assessment was provided as part of the application. The report identified that no significant contamination has been identified and the probability of impact for the proposed residential land use is low, as the contamination potential appears to be minimal. Environmental Health were consulted and confirmed that the Preliminary Contamination Risk Assessment was satisfactory, and no significant contamination risk was identified. They suggested a condition was attached if contamination not previously identified is found on site.

(d) flooding risks on the site,

The site lies outside any area subject to flood risk. No concerns in respect of flooding are therefore raised.

(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, and

The subject building is located in a field, with no other buildings in close proximity. There would be limited impact on neighbouring amenity, as the closest residential dwellings are located approximately 0.13km from the proposed dwellinghouse. There are no active farm buildings within the immediate surroundings of the site. Given this context, the residential conversion is generally considered commensurate to the surrounding uses and acceptable in this regard.

The site is not affected by any statutory or non-statutory landscape, biodiversity, or heritage designation. The location of the site, near to existing residential buildings, would be suitable and would have limited impact on neighbouring occupiers in relation to Q.2(1)(e) given the separation to dwellings within the surrounding area.

(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.

The proposed conversion would utilise the existing openings, with the creation of limited new openings within the building. The proposed elevations illustrate that the external appearance of the building would be retained as far as possible. The proposed material palette is deemed appropriate to a rural setting and would reflect the existing utilitarian character and its surrounding. No objections are therefore raised in this regard.

(g) the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The submitted plans indicate that all habitable rooms would be served and benefit from sufficient windows to ensure adequate provision of natural light for future occupiers. The proposal is therefore considered to meet the requirements of (g).

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 incorporates the creation of one larger dwellinghouse. The dwelling would incorporate more than the prescribed standards in addition to provide above the requisite internal build-in storage. The dwelling would therefore provide adequate living and storage space in accordance with national space standards, in accordance with Section (9A) of Article 3 of the Order.

Others Matters

Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended states that:

"Subject to the provisions of this Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2."

Section 75 of the Conservation of Habitats and Species Regulations 2017 states that *"it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which –*

(a) Is likely to have a significant effect on a European site or a European offshore marine site (either 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 (approval of local planning authority)."

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

On this basis, an application under Section 77 of the Conservation of Habitats and Species Regulations 2017 would be required to be submitted, and development subject of this Prior Approval application could not be carried out until a decision of such application has been made.

Conclusion:

The proposal has been considered in relation to all relevant conditions, limitations, and restrictions of Class Q in Part 3. As reasoned in detailed above, it is considered that the proposal would comply with all relevant limitations of Class Q, with no individual considerations which would warrant the refusal of prior approval, subject to the conditions listed below.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

1 **Regulatory Condition**: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to human, 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 **Regulatory Condition**: The materials and finishes of all new external walls and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and in accordance with the National Planning Policy Framework.

Plans list for: DC/25/0774
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	09.05.2025
Block plan		23.94_PL_002	09.05.2025
Floor plan	Existing roof	23.94_PL_003	09.05.2025
Elevation plan	Existing	23.94_PL_004	09.05.2025
Floor plan	Proposed	23.94_PL_100	09.05.2025
Elevation plan	Proposed	23.94_PL_101	09.05.2025
Supporting Statement	DC/23/0263	NONE	09.05.2025
Supporting Statement	DC/22/2293	NONE	09.05.2025
Supporting Statement	DC/22/1750	NONE	09.05.2025
Supporting Statement	DC/21/1998	NONE	09.05.2025
Supporting Statement	DC/21/1878	NONE	09.05.2025
Supporting Statement	DC/18/2716	NONE	09.05.2025
Supporting Statement	DC/18/0974	NONE	09.05.2025

Supporting Statement	Planning	NONE	09.05.2025
Supporting Statement	Cover letter	NONE	09.05.2025
Supporting Statement	Preliminary Contamination Risk Assessment	NONE	03.06.2025

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 27.06.2025

Authorising Officer sign/initial Guy Everest Date: 03.07.2025