Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0307
Moatfield Farm , Kings Lane, Cowfold, West Sussex, RH13 8BD

DESCRIPTION:
Prior notification for the conversion of two agricultural buildings into two dwellings (Class Use C3).

RELEVANT PLANNING HISTORY:

DC/24/0497	Conversion of 2no agricultural buildings to form 2no dwellings.	Application Refused on 26.07.2024
HRA/25/0011	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to the submitted Prior Approval application DC/25/0307	Pending Consideration

SITE AND SURROUNDINGS:

The site consists of two redundant agricultural buildings located at Moatfield Farm, in a rural setting accessed off Kings Lane, Cowfold. The surroundings comprise open countryside and associated agricultural land. Both buildings are non-listed and are not within Article 2(3) land or designated as heritage or conservation assets. A visual inspection confirms they are structurally capable of conversion without the need for new structural elements.

DETAILED DESCRIPTION:

This application seeks prior approval for the change of use of two agricultural barns to two separate dwellings, comprising one “larger dwelling” and one “smaller dwelling,” under Class Q(a) and (b).

- Building 1: Steel portal-framed, open-fronted agricultural barn.
- Building 2: Concrete-framed structure with existing cladding on three sides.

Both are proposed to be converted within the existing envelope and dimensions. Internal floor areas are approximately

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 Conservation Officer: No Objection - None of the buildings proposed to be converted are considered to form part of the listed building.

HDC Environmental Health: No Objection - No objections subject to conditions on construction hours, unforeseen contamination, lighting control, and imported soils. No information submitted on water neutrality.

WSCC Highways: No Objection - The proposal seeks prior approval to change two agricultural buildings into residential dwellings (Class C3) under the General Permitted Development Order (GPDO). As part of the prior approval process, highway and transport matters are considered. In this case, the change from agricultural to residential use is expected to result in fewer traffic movements, as residential use typically generates traffic during peak times, whereas agricultural use generates movements throughout the day.

An inspection of collision data shows no recorded injury accidents near the site in the past five years, suggesting the access is safe. Additionally, the site can accommodate the required parking spaces (five) and provides space for vehicles to turn and exit safely.

Overall, since agricultural traffic has been safe and residential use is less intensive, West Sussex County Council (as the Local Highway Authority) finds the proposal 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.

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 Council holds no information suggesting that the building was used for purposes other than agriculture.

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 for Building 1 is considered to meet the requirements of (b) the proposed dwelling house measures at 401sqm.

(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 proposal for building 2 is considered to meet the requirements of (c) the proposed dwelling house measures at approximately 98sqm.

(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 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 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;

NA

(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 existing and proposed footprint would remain unchanged as existing.

(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 proposed development involves building operations under Class Q(b), which allows for changes to agricultural buildings to facilitate their conversion into residential dwellings. According to Paragraph 105 of the Planning Practice Guidance, building operations are permitted as part of the change to

residential use, but only to the extent that they are necessary to enable the agricultural building to function as a dwellinghouse.

In this instance, it is important to highlight that the agricultural building under consideration, despite some signs of wear and tear, appears to be structurally sound and capable of supporting residential use without the need for significant new structural elements. The existing structure has been assessed by Rawlings Structural Design Ltd and concludes the barns are structurally capable of conversion and found to be capable of withstanding the necessary load-bearing requirements that come with the proposed residential use.

The required building operations under Class Q(b) would primarily involve the replacement or installation of essential features such as windows, doors, roofs, and exterior walls, all of which are permitted by the class, provided these operations are "reasonably necessary" to allow the building to function as a dwelling. These works would be relatively straightforward in terms of scope, involving the replacement of existing elements that are either in poor condition or missing, without the need for extensive rebuilding or new structural elements. The works would not constitute a complete reconstruction but rather a limited intervention to improve the building's condition to allow for its residential use.

The replacement of key components such as windows, doors, and external walls would be proportionate and in line with what is permitted under Class Q. These operations would restore the building's functionality while maintaining its essential structure and form, as required by the guidance in Paragraph 105 of the Planning Practice Guidance. The proposed partial demolition, which would be confined to areas that are structurally unsound, would also be in line with the provisions of Q.1(i)(ii), as it would only address areas necessary for the improvement of the building.

While some of the building's features may require substantial refurbishment, this does not mean the structure is unfit for conversion. The agricultural building remains fundamentally capable of being converted to residential use, and the proposed building operations are limited and necessary to ensure that the building can serve its new purpose as a dwellinghouse. These operations are within the scope of what Class Q(b) allows, and therefore the development should be considered appropriate under the permitted development rights provided by the class.

In conclusion, the proposed development complies with the criteria set out under Class Q(b) and the guidance in Paragraph 105 of the Planning Practice Guidance. The building is structurally capable of conversion, and the operations proposed are reasonably necessary to facilitate this conversion, falling within the scope of permitted development under Class Q.

(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 impact of the development,

Following consultation with the Local Highways Authority the proposal seeks prior approval to change the use of two agricultural buildings into residential dwellings (Class C3) under the General Permitted Development Order (GPDO). The site is located off Moatfield Lane, an unadopted road, with a private access track linking to Footpath no. 1782. The change of use from agricultural to residential is expected to result in a reduction in traffic movements, as residential traffic tends to be concentrated during network peaks, whereas agricultural use generates traffic throughout the day. As a result, the frequency of traffic under residential use is likely to be similar or lower than the current agricultural use.

A review of collision data over the past five years shows no recorded injury accidents in the vicinity of the site, indicating that the existing access operates safely and that the proposed change would not exacerbate any safety concerns. The development would require five car parking spaces, which can be accommodated on the site, with adequate space for vehicles to turn and exit in a forward gear. The Local Planning Authority may request further details on the proposed parking provision, which could be secured through a condition.

Overall, the change of use is considered less intensive than agricultural use, and there are no highway safety issues related to the existing access. West Sussex County Council, acting as the Local Highway Authority, has reviewed the proposal and found it acceptable in highway terms. Therefore, the prior approval for the change of use is deemed acceptable.

(b) noise impacts of the development,

Paragraph 187(e) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water, or noise pollution. Paragraph 198 further emphasizes that planning decisions should ensure new development is appropriate for its location, considering the likely effects, including cumulative impacts, of pollution on health, living conditions, and the natural environment. It also highlights the importance of accounting for the sensitivity of the site and its wider area to potential impacts from the development. In doing so, planning decisions should mitigate and minimize potential adverse noise impacts from new development and avoid noise that causes significant adverse effects on health and quality of life.

The proposed change of use is not anticipated to adversely contribute to surrounding noise impacts to nearby receptors over and above the existing agricultural operation on the site. However, the existing use may well impact on the new dwelling as a receptor from existing noise (further assessed in (e) below).

(c) Contamination risks on the site,

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. Should the development be considered acceptable, this could be addressed through an appropriately worded condition in the event that prior approval consent is to be granted.

(d) flooding risks on the site,

The proposed development is located outside any designated flood risk areas; therefore, flooding is not a concern. Additionally, the potential impacts related to flooding would be no greater than those associated with the site's existing agricultural use. As a result, no remediation measures are proposed or necessary.

(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 building is located in an accessible rural location, surrounded by open countryside, with a safe vehicular access onto Kings Lane. The structural surveys and visual inspections confirm the building is capable of conversion without major rebuilding. There are no nearby uses that would be incompatible with residential occupation, and Environmental Health and Highway Authority consultations raised no objection to the siting of the building. Therefore, it is considered that the location and siting of the building do not make it impractical or undesirable for the building to be used for residential purposes.

(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 existing building is of limited aesthetic or visual merit. While the resulting building would appear relatively uniform and domestic in appearance, the proposed design is considered to sufficiently reflect the existing character and appearance of the host building, and no objections are raised to the design.

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

Part X of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 defines "curtilage" for the purposes of Class Q as:

"the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser"

The proposed residential curtilage, as indicated by the red outline on the Location Plan, would be no greater than the land occupied by the agricultural building.

Paragraph 9A of Article 3 Schedule 2 states that "Schedule 2 does not grant the permission for, or authorise any development of, any new dwellinghouse –
(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(1)."

The proposal would comply with the above.

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) - (d) 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 an options appraisal.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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-commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved 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).

NOTE TO APPLICANT

Water Neutrality:

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.

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/25/0307

Schedule of plans/documents **approved**:

Plan Type	**Description**	**Drawing Number**	**Received Date**
Elevation & Floor plan	Existing	100_02	27.02.2025
Elevation & Floor plan		100_04	27.02.2025
Location & Block plan		S1	27.02.2025
Elevation & Floor plan		PLEL1	27.02.2025
Supporting Statement	Visual inspection and assessment	NONE	27.02.2025
Elevation & Floor plan	Existing	100_01	27.02.2025
Supporting Statement	Preliminary Investigation Report	NONE	27.02.2025
Supporting Docs	OS map	NONE	27.02.2025
Supporting Docs	OS map	NONE	27.02.2025
Supporting Docs	OS map and photo	NONE	27.02.2025
Supporting Docs	Supplementary Contamination Investigation Report	NONE	27.02.2025

DELEGATED

Case Officer sign/initial	Shazia Penne	Date:	22.04.2025
Authorising Officer sign/initial	RHERMITAGE	Date:	23.04.2025