Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0211
The Haven House, Sedgwick Lane, Horsham, West Sussex, RH13 6QE

DESCRIPTION:

Prior Notification for Change of Use of existing agricultural building to Class C3 dwellinghouse with associated building works to undertake proposed conversion.

RELEVANT PLANNING HISTORY:

DC/23/1591	Erection of a front porch, installation of side dormers including removal of chimney and erection of a two-storey rear extension.	Application Permitted on 10.11.2023.
DC/24/0680	Non-Material Amendment to previously approved application DC/23/1591 (Erection of a front porch, installation of side dormers including removal of chimney and erection of a two-storey rear extension) Removal of window to ground floor bathroom. Simplified front porch and geometry for the dormer roofs, installation of larger door and window at ground floor level, installation of Juliette balconies at the first-floor level. White render applied to the entire house.	Withdrawn Application on 11.06.2024.
DC/24/0681	Application to add a white uPVC bi-fold door to the garage opening, insulate it internally and apply white render to its exterior (Lawful Development Certificate - Proposed)	Withdrawn Application on 11.06.2024.
DC/24/0843	Simplified geometry for the dormer roofs; relocation of a window to the north elevation; construction of Juliette balconies at the first-floor level (Retrospective) and addition of bifold door to existing garage opening	Application Permitted on 29.07.2024.

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 with 3 bedrooms.

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: Further information required (received 21.03.2025)

Land Contamination

Given the historic agricultural use of the site, a land use which we Environmental Health considers 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.
Given the above and taking into account the proposed residential use of the site, a land use that is sensitive to the presence of contamination, to ensure the site is suitable for residential development the application should be supported by a preliminary contamination risk assessment (PCRA), undertaken by a suitably competent and experienced environmental consultant.

Proposed Water Supply

The application site would appear to be located within the Sussex North Water Resource Zone; a water neutrality statement does not however appear to have provided in support of the application. If a water neutrality statement is required and is subsequently provided and it indicates that water neutrality will be achieved by way of a private water supply such as a rainwater harvesting system and/or an onsite borehole, then we ask that we are re-consulted.

Construction Phase

During site clearance, preparation, and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan will be recommended as a condition, once we are happy that the above matters have been addressed.

HDC Environmental Health: Comment (received 01.04.2025)

Whilst some of the information in the report is welcomed a report of this nature on its own does not constitute a preliminary contamination risk assessment (PCRA), in accordance with British Standards and current industry guidance. A preliminary contamination risk assessment should contain, but not be limited to, a report on a site walkover, the development of a conceptual site model and the undertaking of preliminary risk assessment.

WSCC Highways: Comment

The site is located off Sedgwick Lane, a C-classified road subject a speed limit of 40mph. A private track, which also forms part of Public Footpath no. 1693_1, links the maintained highway to the application site.

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.

The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require three car parking spaces. From inspection of the plans, there appears to be suitable space on the proposed driveway for this parking demand to be accommodated, with space for turning. The LPA may wish to secure cycle parking provision if they deem appropriate.

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: Objection

- Proposed development located outside the built-up boundary, in the countryside, in an unsustainable rural location and not allocated on the Nuthurst Neighbourhood Plan
- Use of bridle path contrary to NNP 4.2
- Conversion less than a meter from bridle path
- Inevitable destruction of hedgerow and trees
- Contrary to policies 1, 2, 3, 4 and 26 of the HDPF
- No mention of asbestos in the barn

Representations:

24 representations have been received from 13 households objecting to the application:

- Site not allocated for development within Neighbourhood Plan (NP)
- Houses not needed as NP has enough houses until 2031
- Not sustainable location
- Backland development
- Concerns regarding wildlife and ecology. Negative impact on natural habitat and protected species
- No outward sign that the building has been used for agricultural purposes for more than 36 months. Barns have been empty for years.
- Only traffic using the bridleway is Southern Water
- Bridle path not suitable for regular vehicular use
- Flood risk to residential properties
- Light and sound pollution at rear of homes
- No drainage statement
- Water Neutrality
- Change rural character of the lane

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 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.

The main dwellinghouse, The Haven House, owns the application site, and sits further north of the site, with a residential garden that backs onto the application site. Based on the information available to the Council, the barn appears to have been in agricultural use on the relevant date, with aerial imagery showing the barn in situ. The planning history shows agricultural use on the site dating back to 1975. Therefore, on the basis of the evidence available for the application, it is considered that the subject building has been used for agricultural purposes on the relevant date, in compliance with Q.1(a).

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. 3-bedroom residential dwelling, with floor area of approximately 104 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;

The proposal would not exceed the limits of Q.1(d). The proposal seeks to provide 1no residential unit with a total footprint of approximately 104 sqm, this would not exceed 465 square metres 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;

From a review of the planning history, no development under Classes A(a) or B(a) of Part 6 have taken place. The proposal is therefore 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 include the installation of windows and , where the installation of these to the northern and southern elevations would extend beyond the existing external dimension of the building. The proposal would therefore fail to comply with paragraph (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.'

A structural suitability assessment has been submitted as part of the application. The soundness of the structure was also assessed during a site visit. The assessment concludes that limited works would be needed to convert the building into residential use and there is no evidence that the building is unsuitable for conversion in its current state. The structure has a concrete base, with brick external wall up to approximately 1.8m high, around a concrete portal frame with corrugated asbestos sheet cladding to the external walls and main roof. A door is proposed on the north elevation. Windows are proposed on each elevation, to varying levels of glazing. Internal walls and floors would be insulated. Some alterations may be required to the structural fabric of the building and infilling of existing openings, these are considered 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 be reasonably necessary to convert the building.

It is noted that the existing timber stables next to the application building will be dismantled and removed. The open sided barn to the east of the application building will be retained. There will be no other changes to the other buildings on site. The demolition of the stables would not be required to facilitate the conversion of the subject building and would not therefore be considered reasonably necessary to carry out the building operations allowed under paragraph Q.1(i)(i). A separate Demolition Notification would be necessary to remove this 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 an existing access to the public highway and the proposed hardstanding would be sufficient to accommodate the necessary parking demand for the site. Following consultation with WSCC Highways, as the Highways Authority, no objection to the proposal has been raised. The WSCC parking demand calculator expects a minimum of three car parking spaces for a dwelling of this size and location, and from inspection of mapping, this could be accommodated sufficiently on site. The proposal is not considered to result in harm to the function or safety of the public highway network.

It is noted that representations were received relating to the access track being a public footpath. While the objections are acknowledged, it is considered that the access would have been utilised for the agricultural use of the site and that a change of use to residential would generate a reduction in material use at the site.

The proposal is therefore not considered to result in harm to the function or safety of the public highway network.

(b) noise impacts of the development,

Paragraph 187 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 198 of the NPPF states new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid giving rise to significant adverse impacts on health and the quality of life.

The subject building is located in close proximity to other residential buildings, located along the access track to the site, as well as open countryside to the east of the site. The Planning Statement states that the building would be at the end of a lane and surrounded by fields, therefore, any noise impacts in relation to the residential accommodation on the site would be less than the equivalent agricultural activity with associated commercial vehicle movements. In order to comply with building regulations, the level of thermal insulation required within the building will provide significant acoustic insulations.

Given this context, it is not considered that the proposed development itself would result in demonstrable harm to the amenities of the surrounding residential properties.

(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.

A contamination statement has been submitted to support the application, this states that the barn was previously used for the keeping of livestock, storage of hay, feed, and agricultural plant, and therefore there would be no contamination issues arising with no remediation measures required. No further work is required relating to ground conditions / contamination at the site, for its proposed conversion and intended use as a residential property. The application is also supported by a preliminary contamination risk assessment. Environmental Health commented that while some of the information in the report is welcomed, the report owns its own does not constitute a preliminary contamination risk assessment (PCRA) in accordance with British Standards and current industry guidance. A condition would be applied for the requirement of a revised contamination risk assessment.

(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 close proximity to other residential dwellings along Sedgwick Lane which are domestic in character. There would be limited impact on neighbouring amenity, as the closest residential dwellings are located approximately 30 metres from the proposed dwellinghouse. There are no active farm buildings within the application 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,

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 adequate natural light in all habitable rooms of the dwellinghouse

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).

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

Paragraph X of Part 3 states that curtilage means –

(a) *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*

(b) *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 Location Plan Block Plan submitted outlines an area of land to the north, east and west of the subject building in red, where this is considered to represent the proposed residential curtilage. This area would exceed the limitations permitted under paragraph W.

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 REFUSED

Reason(s) for Refusal:

1 The proposed development would result in development that would extend beyond the external dimensions of the existing buildings. The proposed development would therefore be contrary to the requirement of Q.1(h) of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

2 The proposed curtilage(s) would exceed the area permitted under Paragraph X of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

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/25/0211
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	Existing Floor Plans	2502/03	11.02.2025
Elevation plan	Existing Elevations	2502/04	11.02.2025
Floor plan	Floor Plans - Proposed	2502/05	11.02.2025
Elevation plan	Proposed Elevations	2502/06	11.02.2025
Location plan	Location Plan	2502 / 01	11.02.2025
Block plan	Block Plan	2502 02	11.02.2025

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 04.04.2025

Authorising Officer sign/initial Tamara Dale Date: 07.04.2025