DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1819
Westons Place, Dorking Road, Warnham, Horsham, West Sussex, RH12 3QQ

DESCRIPTION:

Prior Notification for Change of Use of 4 Agricultural Buildings to 5no dwellinghouses (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/22/1867	Waterproofing works to basement and reinstatement of original opening with installation of window. Replacement window and grill to rear lightwell. (Listed Building Consent)	Application Permitted on 12.12.2022
DC/21/2470	Removal of existing pool house and construction of a replacement pool house and summer house.	Application Permitted on 26.01.2022
DC/24/1771	Prior notification for the demolition of seven buildings.	Prior Approval Not Required on 12.12.2024

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. 1-bed dwelling, 2no. 3-bed dwellings, and 2no. 4-bed 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 Conservation: No Objection
Satisfied the surviving buildings on the site do not form part of the listed building, Westons Place.

HDC Environmental Health: No Response

WSCC Highways: Comment (13/12/2024)

The site is located on Dorking Road, a C-classified road subject to a speed restriction of 40 mph in this location.

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.

Southern Water: Comment (17/12/2024)

Following the weekly list, Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue and no Southern Water assets will be affected. Therefore, Southern Water has no objections to this proposal.

Please note surface water should not be disposed of into a public foul sewer and must comply with the Hierarchy of H3 of the Building Regulations. For more details, refer to the Drainage and Waste Disposal: Approved Document H on the GOV.UK website.

Any new connections to the public sewerage system will require a New Sewer Connection application (also known as a Section 106) to be submitted and approved by Southern Water.

Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, it is possible that some previously private sewers, now deemed public, could be crossing the above property and may not be shown on Southern Water records. Therefore, if any additional sewers are discovered during construction, an investigation will be required to determine their condition, the number of properties served, and potential access methods before any further work can proceed on site.

Parish Comments: Objection (04/12/2024)

- Conflict with Warnham Neighbourhood Plan
- Insufficient justification for demolition
- Environmental and ecological concerns
- Impact on character and heritage
- Lack of transparency and inconsistency regarding future usage

Warnham Parish Council remains committed to protecting the character and integrity of the parish. As this application appears to be a precursor to wider redevelopment for residential use, it is vital that decisions are made transparently and in line with community and policy objectives.

Representations:

2 Representation were received that objected to the proposal:

- Impact on Listed Building
- Impact on residents
- Impact on ecology
- Precedent for development
- Contradiction to previous demolition application (DC/24/1771)
- Amenity / Character Impacts

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.

ASSESSMENT

Permitted development

Q. Development consisting of—

(a) a change of use of—
- **(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or**
- **(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,**

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Development not permitted

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

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—
- **(i) on 24th July 2023, or**
- **(ii) where the site became part of the established agricultural unit after 24th July 2023, 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 is part of a wider agricultural yard that looks to have fallen into a state of abandonment. Multiple buildings also on site are to be demolished under previous application DC/24/1771 (Prior notification for the demolition of seven buildings). From a site visit that was conducted there is no evidence to show that the unit is not part of an agricultural yard. On the basis of evidence available to the Local Planning Authority, and on a balance of probability, it would be considered that the site would have been part of the established agricultural unit.

(b) in the case of a site that was (but is no longer) part of an established agricultural unit—

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

The Planning Statement outlines that the majority of the farm buildings have been redundant for some time, but still retain the established agricultural use. Unit 5 has been used as an agricultural store. Whilst farming operations on the wider land are still evident, these have been centralised at Ends Place Farm. The relevant buildings have historically been used as part of a pig farm and for agricultural machinery storage.

There is no evidence to suggest that the buildings have not been part of an established agricultural unit.

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

Building 1: GIA = 89.73sqm
Building 3: GIA = 145.03sqm
Building 5: GIA = 216.69sqm
Building 7: GIA = 129.09sqm

Resulting Building 5 would result in a cumulative floor space that would exceed 150sqm. This would exceed that permitted under Q1(c).

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

There are a proposed 5 number of dwellings within the 4 agricultural buildings. The total floorspace of all the houses combined is 580.54sqm. 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;

There are no agricultural tenancies that the LPA is aware of. 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;

There is no evidence to indicate that development under Class A(a) or Class B(a) of Part 6 has taken place.

(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, other than—

(i) extension of the building allowed by paragraph Q.1(i);

(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

It is proposed to extend Building 1 through a single storey extension to a depth of 4m, with a 4m single storey extension also proposed to Building 3. A new roof is also proposed to this building, where the resulting roof would be 0.18m higher than the existing. A new roof is also proposed to Building 7, where the resulting roof would be 0.2m higher than the existing. The proposal would comply with (h).

(i) the development under Class Q(b) would result in an extension that—

(i) has more than one storey,

(ii) is sited anywhere other than to the rear of the existing building,

(iii) extends beyond the rear wall of the existing building by more than 4 metres,

(iv) has eaves the height of which exceed the height of the eaves of the existing building,

(v) is higher than whichever is the lower of—

(aa) the highest part of the roof of the existing building, or

(bb) a height of 4 metres above the ground,

(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or

(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—

(aa) the hard surface was not provided on the land on or before 24th July 2023, or

(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

Building 1: Building 1 meets the limitations set out under this class. A rear extension is proposed in the current position of pen 1 which is to be demolished, abiding by limitations set out.
Building 3: Building 3 meets the limitations set under this class. The proposed rear extension falls within the limits set out and will follow the existing building line if the barn.
Building 5: Building 5 meets the limitations set out under this class.
Building 7: Building 7 meets the limitations set out under this class.

(j) 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.'

Replacement external materials and new windows/doors will be installed. Partial demolition is proposed for Building 1 with the rear pens to be removed to make way for the extension. The pens represent a partial element to the barn and would be considered to fall under (ii) of paragraph (j). The extent and nature of the works to the other buildings is not considered to go beyond that permitted by this limitation.

(k) the site is on article 2(3) land;

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

(l) 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.

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

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

(n) the building is a listed building

The building is not a listed building.

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities

and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

Building 1: Meets nationally described space standards
Building 3: Meets nationally described space standards
Building 5a; 5b: Meets nationally described space standards
Building 7: Meets nationally described space standards

(p) the building does not have suitable existing access to a public highway.

The yard is accessed by a small track that leads to the A24 Dorking Road.

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 Council, as the Local Highways Authority, have been consulted as part of this prior notification process and raised no objection accordingly.

The yard is accessed by a small track that leads to the A24 Dorking Road. In following advice from the LHA, "…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".

In accordance with the response of the LHA it is not considered that the proposal would result in a significant intensification of vehicle movements, beyond existing agricultural vehicle movements, and would represent a minor change within the context of the highway network.

(b) Noise Impacts of the Development,

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. The nature and extent of noise disturbance arising from proposed residential use would not be considered to adversely impact on neighbouring occupiers and users of land.

(c) Contamination Risks on the Site,

The NPPF states that planning decisions should be based on adequate site investigation information, prepared by a competent person, which demonstrates suitability for use. Without sufficient information submitted with this application it is not possible to make such a determination.

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.

No information in respect of Contamination Risk has been submitted in support of the application. While it would be beneficial to provide this information up front, a suitably worded condition has been recommended to secure full detail as to contamination risk and any relevant remediation measures which is also provided in the lack of response from Environmental Health.

(d) Flooding Risks on the Site,

The proposed buildings are not sited within a flood zone as designated by the Environment Agency and therefore no concern is raised in this respect.

(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 yard itself seems to be in a delipidated state with their being little evidence of the area being actively used for agriculture. The buildings would be considered to form a yard of former agricultural buildings. Westons Farm is located close by to the buildings and has operated as a dwelling house according to the supplementary information for over 100 years. It would be considered that the proximity to a residential building aids the proposals acceptability of being a suitable location.

The application site benefits from a pre-existing highway access and is not located in proximity to any sensitive industrial or utility facilities. There is no evidence before the authority that a change of use would prove impractical in this instance.

(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 works would involve the alteration and addition of windows and doors into each of the buildings. The proposed conversion and operations to Buildings 1 and 3 are considered to reflect the utilitarian character of the buildings. It is however considered that the proposed conversion to Building 5 would result in an east elevation that would appear overly domestic in character. The proposed window openings would be of uniform nature and limited aesthetic, and would fail to reflect the characteristics of the former rural building. In addition, the proposed conversion of Building 7 would result in window and door openings of uniform proportion, with the east and west elevations appearing overly domestic in nature.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouse

Each habitable room serving each of the dwellings would benefit from access to natural light from the proposed new door and window apertures to be installed on the elevations of the building. As such, no objection is raised on these grounds.

Other Matters

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 to be submitted, and development subject of this Prior Approval application cannot 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 fail to comply with all relevant limitations of Class Q.

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.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	580.54	558.67	21.87
		Total Gain	
		Total Demolition	

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

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.

Recommendation: Prior Approval Required and REFUSED

Reason(s) for Refusal:

1 The proposal would result in a dwelling with a floor space in excess of 150sqm. The proposal would not therefore be permitted by Class Q, Q.1(c) of Part 3 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended.

2 The development would be of a design and external appearance that would fail to reflect the characteristics and vernacular of the host building and rural locality. The development would not be permitted by Class Q, Q.2(f) of Part 3 within 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/24/1819
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan	Site Block Plan	133_101	22.11.2024
Floor plan	Unit 1 Plans as Existing	133_102	22.11.2024
Elevation plan	Unit 1 Elevations as Existing	133_103	22.11.2024
Floor plan	Unit 3 Plans as Existing	133_104	22.11.2024
Elevation plan	Unit 3 Elevations as Existing	133_105	22.11.2024
Floor plan	Unit 5 Plans as Existing	133_106	22.11.2024
Elevation plan	Unit 5 Elevations as Existing	133_107	22.11.2024
Floor plan	Unit 7 Plans as Existing	133_108	22.11.2024
Elevation plan	Unit 7 Elevations as Existing	133_109	22.11.2024
Floor plan	Unit 1 Plans as Proposed	133_110	22.11.2024
Elevation plan	Unit 1 Proposed Elevations	133_111	22.11.2024
Floor plan	Unit 3 Proposed Plans	133_112	22.11.2024
Elevation plan	Unit 3 Proposed Elevations	133_113	22.11.2024
Floor plan	Unit 5 Proposed Plans	133_114	22.11.2024
Elevation plan	Unit 5 Proposed Elevations	133_115	22.11.2024
Floor plan	Unit 7 Proposed Plans	133_116	22.11.2024
Elevation plan	Unit 7 Proposed Elevations	133_117	22.11.2024

DELEGATED

Case Officer sign/initial JBurrowes Date: 14/01/2025

Authorising Officer sign/initial TDale Date: 16/01/2025