



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0502
Stanford Barn, Bines Green, Partridge Green, West Sussex, RH13 8EH

DESCRIPTION:

Prior Notification for Change of Use of Agricultural Buildings to 6nos dwellings (C3 Use class).

RELEVANT PLANNING HISTORY:

No relevant planning history

SITE AND SURROUNDINGS:

The application site is located within the Parish of Ashurst, outside the built-up area boundary and within a countryside location. Partridge Green, identified as a medium village, is the nearest settlement located approximately 1.7 miles to the north. The site is situated to the west of the B2135 and accessed via a short private track. The surrounding area is predominantly rural in nature with sporadic residential properties located along both sides of this road and there are a number of listed buildings in the locality. The site is not within a Conservation Area and there are no extant Enforcement Notices or Article 4 Directions covering the site.

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 6no. dwellinghouses. The proposal is converting three barns comprising the following:

Barn A –

A larger steel framed, partially open sided agricultural barn, with a curved roof and corrugated metal cladding with partial blockwork walls. To be converted into a single storey 2-bedroom dwellinghouse and two-storey 3-bedroom dwellinghouse.

Barn B –

A single storey steel framed dual pitched roof agricultural building, constructed from corrugated metal sheeting. To be converted into a single 2-bedroom dwellinghouse.

Barn C –

A larger single storey steel framed agricultural building, with a dual pitched corrugated roof, solid blockwork lower walls, with upper cladding. To be converted into three single storey 2-bedroom dwellinghouses.

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 Team: Comments

Initial Consultation:

No red line showing the application boundary appears to have been provided on the location plan. 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 structural appraisal has been submitted and suspected asbestos containing materials may be present.

In accordance with the recommendations of the PPG, 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 the impacts of the adjoining commercial/ agricultural uses on the amenity of the proposed dwellings. An Environmental noise survey should also be provided.

WSCC Highways: Advice

Initial Consultation:

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 indicated that a development of this size in this location would require 12 car parking spaces, which has been demonstrated in the plans. There appears to be sufficient space for on-site turning to be achievable, allowing vehicles to exit the site in a forward gear. The LPA are also advised that they may wish to secure cycle parking provision, to promote sustainable travel.

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. The prior approval is therefore considered acceptable in highway terms.

Secondary Consultation:

The LPA is advised the refer to the LHAs previous consultation response for relevant highway comments, due to no new application documents having been submitted.

WSCC Prow Right of Way Teams: Comment

Initial Consultation:

It appears that Public Footpath 2518 runs within the boundary of the application site. However, there is no reference within the Design and Access Statement as to how this public right of way will be accommodated, protected, or integrated within the proposed development.

The walked route of the footpath is currently recorded as offline. As part of this application, would therefore expect either the legal line of the footpath to be reopened, or for the applicant to apply for a diversion of the path under Section 257 of the Town and Country Planning Act 1990.

Secondary Consultation:

No further comments received.

Southern Water: Comments

Initial Consultation:

Insufficient information provided. Construction of the development shall not commence until details of the proposed means of foul/ Surface Water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Secondary Consultation:

Previous Southern Waters comments remain unchanged. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction work, an investigation of the sewer will be required to ascertain its ownership before any works commence on site.

Parish Comments:

Ashurst Parish Council: Objection

Given the scale, potential impact and lack of detail provided, the Council recommend that the Prior Notification proposal needs to be submitted as a Full Planning Application. This will enable all aspects of the proposal, including the impact of additional light, sewage services, access and additional volume of traffic and whether the existing structures are of sufficient quality to convert to 5 new dwellings, to be considered further.

Representations:

6 letters of Objection have been received from 5 addresses, objecting to the application on the following grounds:

- Loss of agricultural units will impact the viability of the agricultural unit
- Failure to comply with both national and local policies, particularly Policies 26, 32 and 33 of the HDPF
- Submitted plans indicate a 'box-in-a-box' design, with the existing buildings providing no structural or thermal utility, it is therefore a rebuild
- Increased vehicle movements present highway safety concerns to road users and pedestrians
- Development, including increased hard surfaces areas will exacerbate surface water run-off, heightening flood risks
- Increase in refuse bins will be detrimental to the area
- Development will lead to noise disturbance, loss of privacy
- Detrimental impact on nature, loss of shrubs/hedgerows
- Local infrastructure cannot cope with the scale of development
- Negative impact on individual heritage assets
- Ecological implications, namely on the Bat Sustenance Zones
- Water neutrality requirements have not been met
- Permitted development rights do not override the Section 106 which applies to the land
- Conflict with strategic countryside protection policies
- Buildings are not fit for conversion
- Granting consent will set a precedent for other schemes

- Overlooking and privacy issues relating to Building A
- No details provided relating to water infrastructure, heating or foul/surface water drainage
- Impact on listed buildings within the locality
- Population of Barns Green will be doubled
- Application does not consider the impact on the Public Right of Way, running through the site
- Current legal line of the footpath is obstructed
- Building B was not in an agricultural use
- Erosion of the rural character of the area, allowing urbanisation of the countryside
- No structural survey accompanies the application
- Failure to meet Class Q criteria
- Swept Path Analysis is required

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 3 agricultural buildings to provide a 6 dwellinghouses 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 –

- (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 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 the Schedule or to extend that building.**

Prior approval consent is sought to convert an existing 3 agricultural buildings and associated curtilages, part of an established agricultural unit, into 6 dwellinghouses under Q(c) as above.

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 residential agricultural unit—**
- (i) on 24th July 2023**
 - (ii) where the site became part of an 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 Class Q permitted development rights were updated in May 2024, with the ten-year clock reset to 24th July 2023. In this case, the submitted application form confirms that the site formed part of an established agricultural unit on 24th July 2023 and continues to do so. This is corroborated by the site's planning history and aerial images. The proposal therefore accords with the requirements of Class Q.1(a).

- (b) in the case of a building that was (but is no longer) part of an 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.**

In this instance, the site remains part of an established agricultural unit and has not been severed from that unit, as confirmed by the applicant as per their submitted application form. There is no planning history relating to the three subject buildings seeking an alternate use, or any further evidence that would disprove this account. As such, the provisions of Class Q.1(b) does not exclude the proposed development.

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

The floor area of the proposed dwellinghouses would be as follows:

Building A -
Dwellinghouse 1: 130.6 sqm
Dwellinghouse 2: 80 sqm

Building B -
Dwellinghouse - 70 sqm

Building C -
Dwellinghouse 1: 80.2 sqm
Dwellinghouse 2: 79.5 sqm

Dwellinghouse 3: 80.2 sqm

The measurements above confirm the 150 sqm allowance would not be exceeded under Class Q.1(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.**

The proposal is for 6no dwellinghouses, under the permitted number of 10 dwellings. The overall cumulative, floor space would be 520.5sqm, which is within the requirement of Class Q.1(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 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),**

The plans indicate that the floor of Building A would be built-up to accommodate the development. This would not represent development beyond the external dimensions of the building. The proposal does not include the extension of the existing buildings and is therefore considered to meet the requirements of (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,

The proposal does not include the extension of the existing buildings and is therefore considered to meet the requirements of (i).

- (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.'

The Applicant has detailed within their Planning Statement that the building is structurally capable of conversion without complete or substantial rebuilding or enlargement. While no Structural Survey has been submitted, a site visit was undertaken and the building's inspected, confirming there is no evidence to suggest that the building is not capable of conversion. For these reasons, it is concluded that the proposed development would accord with Q.1(h).

(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

The proposal is for the creation 6 dwellings, as set out below –

Unit	Unit Size (Internal)	Nationally Described Space Standards
Barn A		
3 Bedroom 6 Person	130.6 sqm	102 sqm
2 Bedroom 4 Person	80 sqm	70 sqm
Barn B		
2 Bedroom 3 Person	70 sqm	61 sqm
Barn C		
2 Bedroom 4 Person	80.2 sqm	70 sqm
2 Bedroom 4 Person	79.5 sqm	70 sqm
2 Bedroom 4 Person	80.2 sqm	70 sqm

The proposed conversion of the buildings is therefore considered to provide adequate living space in accordance with national space standards.

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

The site is accessed via a private track, leading off the B2135. This private track provides access for an existing three dwellings and is therefore suitable to serve additional dwellings. The access has also facilitated the existing uses, without incident for years, as confirmed by WSCC LHA's consultation response.

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

The proposal would utilise the existing access to the public highway. Following consultation with WSCC Highways as the Highways 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, with adequate onsite parking and turning areas being available to serve the dwellings.

It is noted a legal Right of Way (2518) runs through the site and it is understood from the WSCC Highways Public Rights of Way Team, that this footpath is currently recorded as being offline, with the footpath being diverted to the south of the site. As part of their response, the Team have stated they would therefore expect the legal line of the footpath to be reopened, or the applicant to apply for a diversion of the path under Section 257 of the Town and Country Planning Act 1990.

WSCC's iMap, which confirms the route of footpath 2518, shows it runs to the south of Barns A and B, in which the Proposed Block Plan (Drawing Number- PBP Rev A~), shows there will be no obstruction or impeding. The footpath then runs parallel on the northern side of a mature hedgerow, following this hedge line and past the application side and so this route is separated from Barn C by this hedgerow. Therefore, the development would not give rise to obstructing or impeding this PROW and it is also noted that this track serves an existing three residential dwellings. Whilst the comments by the PROW Team are noted, given this is a Prior Approval, it is not within the jurisdiction or scope of this application to seek the reopening or diversion of this application. A suitable informative to applicant has been attached to this permission, informing them of the considerations of the PROW.

(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, 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 continues that planning decisions should also ensure that 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.

The subject buildings are located within a small cluster of other residential buildings, with the wider area characterised by agricultural fields. Southblows is located approximately 29 metres to the northeast of Barn A, Westering is located 65 metres to the northwest of Barn B, Stanford Barn is located 23 metres to the southeast of Barn C, with Campions located 35 metres to the south of Barn C. Whilst the development would create 6 additional dwellings within these three buildings, a residential use is not considered to generate harmful noise and disturbance above and beyond the existing uses of the area. There is potential for impact from agricultural activities on these dwellinghouses, with this considered further under (e).

(c) Contamination risks on the site

Paragraph 187 of the NPPF states that planning decisions should prevent 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 196 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination.

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 application has not been supported by a preliminary contamination risk assessment and there is no planning history related to these buildings which provides clarification. The identification of potential contamination does not in itself prevent development under Class Q, provided that appropriate investigation and remediation can be secured. In this case, it is considered that any contamination risks can be addressed through the submission of further investigation and remediation details prior to occupation, and a suitable condition is therefore imposed. As such, contamination does not constitute a reason for refusal of the proposal under Class Q.2(1)(a).

(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

The subject buildings are located within a small cluster of other residential buildings, with the wider area characterised by agricultural fields. The closest residential dwelling affected by the proposals will be the applicant's own property, Stanford Barn, located 12metres to the south of Barn A. However, it is noted that the closest unit proposed within Barn A would be single-storey, and given this arrangement, no materially harmful amenity impacts are expected to arise.

Barn A would be located approximately 29 metres from the nearest neighbouring residential property, Southblows, to the northeast. Although this conversion includes a first-floor element, the separation distance is considered sufficient to prevent unacceptable impacts in terms of overlooking, loss of privacy, or overbearing impact. Similarly, adequate separation distances are maintained to other nearby dwellings, including Westering (approximately 65 metres to the northwest of Barn B) and Campions (approximately 35 metres to the south of Barn C), such that no significant amenity impacts are anticipated.

There is some potential for future occupiers to be affected by agricultural activities; however, it is noted that there are already a number of residential properties in close proximity to the site. Furthermore, there would be no retained agricultural buildings in close proximity to the proposed dwellings, with activity largely limited to the wider surrounding farmland, which is an expected characteristic of a countryside location. On this basis, the proposal would not give rise to unacceptable living conditions for future occupiers, nor significantly impact neighbouring amenities.

The site is not affected by any statutory or non-statutory landscape or biodiversity designation. It is noted that there are a number of listed buildings within the locality, the closest being the Grade II listed Southblows and Binesfield. Verbal consultation with the council's Conservation Team, has raised no objections, on the basis that the barns would retain their agricultural character. As such, on balance, the proposals would not appear incongruous or result in harm to the setting or appreciation of these listed buildings and would make appropriate use of redundant agricultural buildings. No objections are therefore raised regarding design or external appearance.

Having regard to the above, the location of the site in proximity to existing residential development is considered acceptable and would have limited impact on neighbouring occupiers. The proposal is therefore considered to comply with paragraph Q.2(1)(e) of the GPDO, with no unacceptable impacts identified in relation to neighbouring amenity.

(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 building would retain its original form, and the materials proposed, consisting of black timber cladding to the walls and dark coloured insulated metal profile roofing sheets, are deemed appropriate to the rural setting and reflect the utilitarian character and its surrounding. The proposed alterations would enhance the appearance and the setting of the site in general. The design would give consideration to traditional agricultural buildings in the wider area, with the form of the structure deemed appropriate to a rural setting.

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

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 occupants. The proposal is therefore considered to meet the requirements of (g).

Other Matters

It is noted that a number of matters have been raised by the objectors that cannot be considered as part of the Prior Approval process, in which the council cannot request alterations or refuse this application on.

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 that would warrant the refusal of prior approval.

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	520.5	651.1	0
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 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).

NOTE TO APPLICANT

A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route – advice on the legal width can be provided by the WSCC PROW Team.

C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

L. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

NOTE TO APPLICANT

The applicant is advised that the Council has undertaken an Appropriate Assessment which demonstrates that the development will not have an Adverse Effect on the Integrity of the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017.

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/26/0502

(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	Site Location Plan	NONE	31.03.2026
Elevation plan	Barn A Elevations As Proposed	PEV-A REV A	24.03.2026
Elevation plan	Barn B Elevations As Proposed	PEV -B REV A	24.03.2026
Floor plan	Barn C Floor Plan As Proposed	PFP-C REV A	24.03.2026
Roof plan	Barn C - Roof Plan As Proposed	PRF-C REV A	24.03.2026
Elevation plan	Barn C - Elevations As Proposed	PEV-C REV A	24.03.2026
Block plan	Proposed Block Plan	PBP REV A	24.03.2026
Elevation plan	Barn C Elevations As Existing	EEV-C REV A	24.03.2026
Floor plan	Barns A & B Ground Floor Plan As Proposed	PFP-AB REV A	24.03.2026
Roof plan	Barns A & B First Floor & Roof Plans As Proposed	PRF-AB REV A	24.03.2026
Block plan	Existing Block Plan	EBP REV A	24.03.2026
Floor plan	Barns A & B Ground Floor Plans As Existing	EFP-AB REV A	24.03.2026
Roof plan	Barns A & B First Floor & Roof Plans As Existing	ERF-AB REV A	24.03.2026
Elevation plan	Barn A Elevations As Existing	EEV-A REV A	24.03.2026
Elevation plan	Barn B Elevations As Existing	EEV-B REV A	24.03.2026
Floor plan	Barn C Floor Plan As Existing	EFP-C REV A	24.03.2026
Roof plan	Barn C Roof Plan As Existing	ERF-C REV A	24.03.2026
Materials	Proposed Materials	Email	06.05.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 20/05/2026

Authorising Officer sign/initial Tamara Dale Date: 22/05/2026