Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0320
Woodhouse Farm , Wheatsheaf Road, Woodmancote, West Sussex, BN5 9BA

DESCRIPTION:
Prior Notification for Change of Use of Agricultural Building to 6no. dwellinghouses.

RELEVANT PLANNING HISTORY:

DC/18/1001	Prior Approval of Proposed Change of Use from an agricultural building to 5 dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 03.07.2018
DC/18/2165	Conversion of an agricultural building to 4 two storey dwellings.	Application Permitted on 06.12.2018
DC/18/1004	Prior Approval of Proposed Change of Use from an agricultural building to 3 dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 03.07.2018
DC/19/0923	Prior approval for a proposed change of use of agricultural building to 3.No dwellinghouses (Class C3)	Prior Approval Required and PERMITTED on 21.06.2019
DC/19/1489	Demolition of existing barn and erection of 3.No detached dwellings with associated parking	Application Refused on 16.09.2019
DC/19/2128	Demolition of existing barn and erection of 3.No attached single storey dwellings with associated car parking	Application Permitted on 21.02.2020
DC/20/0815	Erection of an agricultural grain storage barn	Application Permitted on 30.06.2020
DC/21/2257	Removal of part of existing agricultural building and conversion of remaining sections to form 4no two-storey dwellings.	on
DC/22/0564	Prior notification for the erection of a barn for wood, machine and general farm storage.	Prior Approval Required and REFUSED on 12.04.2022
DC/23/1005	Prior Notification for Change of Use of Agricultural Building to 5no. dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 06.07.2023
DC/24/0704	Prior Notification for Change of Use of Agricultural Building to 3No dwellinghouses (Class C3)	Prior Approval Required and PERMITTED on 01.07.2024
DC/24/1692	Prior Notification for Change of Use of Agricultural Building to 5no. dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 20.12.2024

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 6 no dwellinghouses.

RELEVANT PLANNING POLICIES
National Planning Policy Framework

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
HDC Environmental Health: Comment

If the application is approved, the conditions recommended for approved application DC/24/1692 should be applied. However part d) to condition 1 as set out in the decision notice for DC/24/1692 should be amended to read: d) A verification plan providing details of the data collected that demonstrates 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.

WSCC Highways: More Information Required.

There is very little information provided, please provide the following –

- A clear site layout plan, this should also show parking arrangements that meet the required parking standards and cycle storage.
- Information relating to the access route from the highway (Wheatsheaf Road), such as route, available passing bays and length and width.
- Please also confirm to the LHA who else uses this access road, how many other dwellings, businesses, and any agricultural activity presently.

Southern Water: Comments

The applicant has not provided details of the proposed means of disposal of foul/surface water drainage from the site. Southern Water is unable to comment fully on this Planning Consultation until such time as the relevant information is provided.

Condition: 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.

Parish Comments: Objection

The development is over-development of a small plot, out of character with the surrounding rural area, would increase traffic and light pollution to an unacceptable level, would result in water pressure issues (as raised with the previous application) and does not align with the WPC Neighbourhood Plan.

Representations:
Seven letters of objection have been received. These are summarised as:

- Excessive vehicular movements on single farm track
- The lane is also a public footpath
- Additional first floor windows and balconies
- Additional lighting
- Water Neutrality concerns
- Impact on dark skies
- Agricultural area
- Study will be used as extra bedroom- these are 3 bed properties

- Windows overlooking The Granary and Deers Leap
- Design and character
- Introduction of many new openings and ground ad first floor level
- Application forma and drawings do not correspond in relation to materials proposed- black cladding, bronze or grey roof, brick cladding- take away from simple agricultural design

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 application form confirms that the scheme seeks to use the permitted development right as it stood prior to 21 May 2024.

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 site was in agricultural use as part of an established agricultural unit, operating for commercial purposes, at the time of the original Prior Approval back in 2019. From a site visit, the building appears to continue to be used for agricultural storage, with no evidence to show that it is not. 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 on 24th July 2023.

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;

A larger dwellinghouse is one with a floor space in excess of 100 sq m. The scheme entails 6 dwellings each with a floorspace in excess of 100 sq m and with a cumulative floor space in excess of 465 sq m.

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

The development does not include any smaller dwellings. It is noted that a separate Class Q has been granted prior approval elsewhere within the agricultural unit, re: DC/24/0704. This development has not though commenced and no dwellinghouses have therefore been developed at the time of writing.

(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 development would create 6 dwellinghouses on the site, which is in excess of what can be achieved through the pre-May 2024 version of the permitted development right.

(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;

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;

No 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;

The proposal includes extensions to the front and sides of the building to accommodate a porch/ canopy. This is shown on the elevations but not shown on the floor plans but would exceed the external dimensions of the existing building.

(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.'

Replacement external materials and new windows/doors will be installed, alongside the demolition of a small wooden lean-to to the northern elevation of the unit. The extent and nature of these works is not considered to go beyond that permitted by this limitation.

(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,

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

Their response asked for additional information in relation to parking and limits to the accessway. A parking plan has been provided.

In line with the previous response from 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.

The existing yard leads directly onto an unadopted track, with ample visibility at the point of access onto the private highway. There is no record of unsafe operation where the unadopted highway adjoins to Wheatsheaf Road (B2116), and it is considered that the proposal would not detrimentally influence public or private highway safety or operation.

(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.

(d) flooding risks on the site,

The proposed buildings are sited within Flood Zone 1 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

Agricultural activities undertaken in close proximity to the buildings subject of this notification, and resulting residential units, could impact upon the amenities/wellbeing of future occupants by reason of noise and odour disturbance. This would, potentially, fall beyond the control of future occupants, and could be of some scale given the range of existing facilities. It is, though, acknowledged that the prior approval of the Authority has previously been given, where it was concluded that there would be no conflict. There have been no material changes to the spatial context since the previous Prior Approval, and there is no justifiable reason to reach a different conclusion.

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.

The insertion of first floor windows to the front of the building and full height 1st floor windows to the side of the building are considered to have the potential to create unacceptable overlooking to the adjacent property at the Granary. The Granary is located around 11 metres from the building and these additional windows would create additional views into the rear garden that currently do not exist.

(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 the building, including substantial glazing to the rear of the building in the form of enclosed balconies at first floor level.

The addition of the large glazed balconies would result in a design that is considered to be unduly domestic in character ad appearance with the size of the glazing considered to detract from the utilitarian nature of the rural building. This design and external appearance is not therefore considered sympathetic to the rural character of the existing building and wider surrounding area.

(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.

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".

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. It is worth noting that the 'studies' within the floor plan are likely to be considered to be bedrooms for water neutrality purposes, classifying eth properties as 3 bedroom units.

Recommendation: Prior Approval Refused

Reason for refusal:

1. The application form confirms that the application seeks to use the permitted development right as it stood prior to 21 May 2024. The development would create 6 (larger) dwellings each with a floorspace in excess of 100 sq m and with a cumulative floor space in excess of 465 sq m, contrary to Class Q, Q.1(b) of Part 3 within Schedule 2 of the (pre-21 May 2024) Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

2. The application form confirms that the application seeks to use the permitted development right as it stood prior to 21 May 2024. The development would create 6 dwellinghouses on the site, which is in excess of what can be achieved through Class Q, Q.1(d) of Part 3 within Schedule 2 of the (pre-21 May 2024) Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

3. The development would result in the external dimensions of the building extending beyond the external dimensions of the existing building. The development would not be permitted by Class Q, Q.1 (h) of Part 3 within Schedule 2 of the (pre-21 May 2024) Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

4. 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.

Plans list for: DC/25/0320
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

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

Plan Type	Description	Drawing Number	Received Date
Location plan		SHEET 1 OF 2	03.03.2025
Location plan		SHEET 2 OF 2	03.03.2025
Floor plan	Proposed and Sections	02 REV B	03.03.2025
Elevation plan	Proposed	03 REV A	03.03.2025

DELEGATED

Case Officer sign/initial Kate Turner Date: 24.04.2025

Authorising Officer sign/initial Guy Everest Date: 25.04.2025