DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1153
The Old Piggery, Fryern Road, Storrington, West Sussex, RH20 4BJ

DESCRIPTION:

Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse (C3 Use class).

RELEVANT PLANNING HISTORY:

DC/19/2433	Conversion of existing barn to a detached dwelling with associated parking and erection of a single storey rear extension	Application Refused on 30.01.2020.

SITE AND SURROUNDINGS:

The subject building lies to the east of Fryern Road within a rural area characterised by farms and individually designed dwellings. The barn is screened from public vantage points by mature boundary trees and hedging. The barn is not Listed nor within a Conservation Area.

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 a single dwellinghouse.

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: Comment

Given the historic agricultural use of the site, a land use which we Environmental Health considers potentially contaminating, we are of the view that the ground on the site has the potential to be contaminated.

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

Have reviewed the Promethean Planning Water Neutrality Report and Water Management Plan, dated 10.08.24, and the amount of detailed provided is welcomed, do however have the following comments to make.

Note the comments on page 6:

As the system will be considered as a private water supply it will be governed by the Water Supply (water Quality) Regulations 2016. These are regulated by the local council's Environmental Health Officer or Pollution Control Officer.

And

The regulations in England and Wales do not require monitoring to be undertaken where the water supply is to a single domestic dwelling unless concerns are raised by the owner or occupier.

Whilst accepted that the above comments are what is detailed in the regulations, given the number of private water supplies that are being proposed in our District to satisfy ongoing water neutrality requirements (both rainwater harvesting systems and onsite boreholes) we as a Local Authority have taken the decision to regulate all of these private supplies, even those to single dwellings, through the planning process. Would therefore be grateful if this section of the management plan can reflect this HDC requirement.

Given the above, are of the view that the application is currently insufficiently detailed to be determined.

WSCC Highways: Comment

This proposal seeks prior approval for the proposed change of use of an agricultural building to residential to form a single dwelling (C3 Use). The site is located off Fryern Road, a C-classified road subject to national speed limit in this location.

WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for application DC/19/2433, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways, and a subsequent appeal was dismissed.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from agricultural to residential (Class C3) subject first to prior approval being granted. As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport. However, the GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

Generally, the change of use from agricultural to residential dwelling would generate a reduction in material use at the site. The existing use would create a certain number of movements throughout the day, whereas the movements associated with residential use would be anticipated within network peaks. Therefore, although the nature of trips would change, the frequency would likely not exceed that of the potential of the current use.

From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on Fryern Road. An inspection of collision data supplied to WSCC by Sussex Police over a period the past five years reveals there have been no recorded collisions within the vicinity of the site access. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The WSCC parking demand calculator expects that a minimum of two car parking spaces would be required for a dwelling of this size and location. The plans demonstrate suitable parking provision for two cars in the plans. The LHA would recommend that secure and covered cycle parking is provided in accordance with WSCC Parking Standards, to encourage sustainable transport methods.

In summary, the movements associated with agriculture have done so safely with no known safety highways concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

Parish Comments:

None received.

Representations:

None received.

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

The main issue is whether prior approval is required for the proposed change of use and conversion of the existing agricultural building to provide a single dwelling under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The permitted development right for Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 was amended on 21 May 2024 to broaden the range of buildings that could be converted to dwellings, allow extensions to the building, and to increase the total number of dwellings from 5 to 10. Until May 2025 applicants can choose to use the previous version of the permitted development as it stood prior to 21 May 2024 or the amended development right. The applicant has ticked that they wish to use the permitted development right as it stood prior to 21 May 2024, so the application has been assessed against this.

Permitted Development

Q. Development consisting of—

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

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

(c)

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 comprises two attached open sided former piggery buildings that have previously been used for agricultural purposes. The barn had been part of a wider agricultural holding, with the application building used to house pigs. While there have been subsequent planning applications on the site relating to residential development, these have either been withdrawn or refused. Therefore, there have been no subsequent non-agricultural uses on the site. The barn remains last in use for agricultural purposes on the applicable date. An appeal at the site ref: APP/Z3825/W/20/3250265, confirmed that the barn has previously been used for agricultural purposes. On the basis of the above, it is therefore considered that proposal would adhere to the above criteria and that the barn was part of an established agricultural unit on 20th March 2013.

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;

No larger dwellinghouses are proposed as part of this application, and the proposal is considered to meet the requirements of (b).

(c) in the case of—

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

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

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

One smaller dwellinghouse is proposed with a floor area of 75.86m2, this would not exceed the 100 square metres or exceed 5 units, which is considered to meet the requirements of (c).

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The proposal is considered to meet the requirements of (d).

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The proposal is considered to meet the requirements of (e).

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

The proposal is considered to meet the requirements of (f).

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

From a review of the planning history, no development under Classes A(a) or B(a) of Part 6 have taken place. The proposal is therefore considered to meet the requirements of (g).

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The submitted plans demonstrate that the proposal would not extend beyond the external dimensions of the existing building at a given point. The proposal, therefore, is considered to meet the requirements of Q.1(h).

(i) the development under Class Q(b) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas, or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

Paragraph 105 of the Planning Practice Guidance in relation to building operations states the following:

'Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls,

water, drainage, electricity, gas, or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.'

The application has not been accompanied by a structural survey. While no structural survey has been provided, during a site visit, the soundness of the structure was assessed. It is considered limited works would be needed to convert the building into the residential use. The structure has a concrete base, some brick walls, metal sheet roof and steel posts as well as timber walls. Windows are proposed on the north and south elevations, to varying levels of glazing. Doors are proposed on the north as well as the south. With the open section of the barn, exterior walls are proposed to infill this section, with the open timber structure kept open to be utilised for car parking for up to three cars. The external structure would remain the same dimensions as existing, and there is no evidence that the building is unsuitable for conversion in its current state.

While recognised that the proposed conversion would involve some alterations to the structural fabric of the building, the subject building would appear capable of conversion in its own right. The infilling of the existing openings is deemed to be reasonably necessary to support a residential use as permitted under Q.1(i). The measures are not considered to be of such degree to amount to a rebuild, and the required works are therefore considered to be reasonably necessary to convert the building.

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

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

(k) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

The site is not within any of these areas.

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

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

(m) the building is a listed building

The building is not a listed building.

Conditions

Q.2— (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

The proposal would utilise the existing access to the public highway and the driveway would be sufficient to accommodate the necessary parking demand for the site. Following consultation with WSCC Highways as the Highways Authority, no objection to the proposal has been raised. The proposal is not considered to result in harm to the function or safety of the public highway network.

(b) noise impacts of the development,

Paragraph 180 of the National Planning Policy Framework (NPPF) requires development to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 191 of the NPPF states that planning decisions should 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 nature environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

The subject building is considered to be well located in relation to adjacent residential dwellings, at the end of a lane, surrounded by fields. The planning statement states that any noise impacts in relation to residential accommodation on the site would be less than the equivalent agricultural activity with associated commercial vehicle movements. To comply with building regulations, the level of thermal insulation required within the building will provide significant acoustic insulation. Given this context, it is not considered that the proposed development itself would result in demonstrable harm to the amenities of surrounding residential properties.

(c) Contamination risks on the site,

Commercial and agricultural buildings and land can be subject to significant contamination risks arising from their use, previous land uses, construction and storage of machinery, equipment, fuels, or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards, and hard standings. Risks arising from the use therefore require evaluation by the applicant.

No contamination reports have been submitted to support this application. The planning statement states that the barn has only been previously used for the keeping of livestock, storage of hay, feed and agricultural plant, so there is not considered to be any contamination issues arising and no further works required relating to ground conditions and contamination on the site. Environmental Health were consulted on the application and considered that given the historic agricultural use on the site, the land is potentially contaminated. In order to ensure that the site is suitable for residential development, the application should be supported by a preliminary contamination risk assessment. It is considered that this can be provided through a pre-commencement condition.

(d) flooding risks on the site,

The site lies outside any area subject to flood risk. No concerns in respect of flooding are therefore raised.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

The subject building is located close to the existing residential dwellings along the access track, which are domestic in character. There would be limited impact on neighbouring amenities, as the closest neighbouring dwelling is located approximately 35m from the proposed dwelling. Given this context, the residential conversion is generally considered commensurate to the surrounding uses, and acceptable in this regard.

The site is not affected by any statutory or non-statutory landscape, biodiversity, or heritage designation. The location of the site, next to an existing residential dwelling, would be suitable and would have limited impact on neighbouring occupiers in relation to Q.2(1)(e) given the separation to dwellings within the surrounding area.

(f) the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The proposed conversion of the building would utilise the existing openings, with the creation of limited new openings within the building. The proposed elevation illustrate that the external appearance of the building would be maintained as far as possible. The proposed material palette is deemed appropriate to a rural setting and would reflect the utilitarian character and its surroundings. No objections are therefore raised in regard to design or external appearance.

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

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).

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

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

This area would be no greater than the existing building, and would comply with Part X.

National Space Standards

In accordance with Section (9A) of Article 3 of the General Permitted Development Order (2021 Amendment), Schedule 2 of the Order only permits development for the creation of new dwellinghouses:

> *'(a) Where the gross internal floor area is less than 37 square metres in size; or*
>
> *(b) That does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.'*

The proposal incorporates the creation of one smaller dwellinghouse. The dwelling would incorporate more than the prescribed standards in addition to provide above the requisite internal build-in storage. The dwelling would therefore provide adequate living and storage space in accordance with national space standards, in accordance with Section (9A) of Article 3 of the Order.

Others Matters

Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended states that:

"Subject to the provisions of this Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2."

Section 75 of the Conservation of Habitats and Species Regulations 2017 states that *"it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which –*

(a) Is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) Is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority)."

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

It is noted that a Water Neutrality Statement was submitted with this application. Environmental Health's comments on the Water Neutrality Statement are also acknowledged. However, under Class Q, water neutrality is not a consideration. In order to demonstrate water neutrality, an application under Section 77 of the Conservation of Habitats and Species Regulations 2017 would be required to be submitted, and development subject of this Prior Approval application could not be carried out until a decision of such application has been made.

Conclusion:

The proposal has been considered in relation to all relevant conditions, limitations, and restrictions of Class Q in Part 3. As reasoned in detailed above, it is considered that the proposal would comply with all relevant limitations of Class Q, with no individual considerations which would warrant the refusal of prior approval, subject to the conditions listed below.

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 1	117.1	117.1	0
		Total Gain	**0**
		Total Demolition	**0**

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:
   a. all previous uses
   b. potential contaminants associated with those uses
   c. a conceptual model of the site indicating sources, pathways, and receptors
   d. 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).

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/24/1153
(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 & Block plan	Existing Location Plan	LC1 REV A	29.07.2024
Floor plan	Existing & Proposed Ground Floor Plan	2406OL_R0_100 REV 000	29.07.2024
Elevation plan	Existing & Proposed North & South	2406OL_R0_101 REV 000	29.07.2024
Elevation plan	Existing and Proposed West & East	2406OL_R0_102 REV 000	29.07.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 12.09.2024

Authorising Officer sign/initial Tamara Dale Date: 13.09.2024