DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0124
Little Millfields, Horsham Road, Rowhook, Horsham, West Sussex, RH12 3PZ

DESCRIPTION:
Prior Notification for Change of Use of former stable building to 1no. dwellinghouse with associated replacement wall cladding, roofing material, windows, doors and rainwater goods.

RELEVANT PLANNING HISTORY:

DC/24/1815	Prior notification for the demolition of 3no. equestrian and poultry buildings.	Prior Approval Not Required on 19.12.2024
DC/24/1834	Prior Notification for Change of Use from 2no Agricultural Buildings to 1no dwellinghouses (C3 Use Class).	Prior Approval Required and REFUSED on 21.01.2025
DC/25/0104	Prior notification for the demolition of a former stable building.	Prior Approval Not Required on 18.02.2025

SITE AND SURROUNDINGS:
The subject buildings are located within a cluster to the north of Horsham Road, outside of any designated built-up area boundary.

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

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: 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. The presence of suspected corrugated asbestos cement roofing is noted in the structural report

In accordance with the recommendations of the Planning Practice Guidance, 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 with respect to water neutrality is also required.

HDC Conservation: The stable does not form part of the listed building so please determine as Class Q allows.

WSCC Highways: Movements associated with agriculture/equestrian 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.

Parish Comments:
It is believed that stables (equestrian use) differ from agricultural usage in planning terms. However the building is classified the details show the presence of asbestos, which is concerning when conversion development to market housing is proposed. This needs a full investigation and a satisfactory mitigation strategy should be provided before any development commences.

There are some other dwellings nearby and a PROW. It is suggested that signage is provided during any work carried out, for protection and to alert nearby residents and users of the PROW to the work being undertaken

If the application is approved the development will need to comply with Habitats Regulations in respect of Water Neutrality. There is no mention of current water provision in the information submitted and how meeting the regulations (s.77) for the dwelling is proposed.

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.

Permitted development

Q. Development consisting of—

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

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

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

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

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

Paragraph X of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 ('interpretation of Part 3') states that 'agricultural building' means a building used for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouses, and 'agriculture use' refers to such uses.'

Section 336(1) of the Town and Country Planning Act 1990 states that 'agriculture' includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where the use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly.

The site is considered to form the basis of an agricultural yard which previously, according to the planning statement, has been used for a variety of agricultural and equestrian purposes including housing livestock. The structure itself is thought to be a stable which would fall under "*a building that is part of an established agriculture unit*". On the basis of evidence available to the Local Planning Authority, and on a balance of probability, it would be considered that the site and unit would have been part of the established agricultural unit.

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

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

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

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

The Planning Statement outlines the site was still in use as agricultural yard housing livestock until sold to the applicant in 2024. From a site visit, no other evidence was present that showed that the unit had been used for purposes not related to agriculture. There is no evidence to suggest that the buildings have not been part of an established agricultural unit.

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

Building 1: GIA = 43.5m^2

The building is considered to meet the requirements under (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,

N/A

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

The site is in the ownership of the applicant. The proposal is considered to meet the requirements of (e).

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

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

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

There are no agricultural tenancies that the LPA is aware of. The proposal is considered to meet the requirements of (f).

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

(i) since 20th March 2013; or

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

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

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—

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

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

No further extensions to building are proposed. The proposal would comply with (h).

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

(i) has more than one storey,

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

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

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

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

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

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

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

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

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

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

No further extensions to building are proposed. The proposal would comply with (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.'*

Replacement external materials, including cladding and new fenestration will be installed. The extent and nature of the works to the other buildings is not considered to go beyond that permitted by this limitation.

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

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

(l) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

The site is not within any of these areas.

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

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

(n) the building is a listed building

Though the principle building on site is a Listed Building (Little Millfields; Grade II (indexed 1980)), the buildings themselves do not form part of the 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 submitted plan indicates a floor area of 50m^2, which would accord with the 'Technical housing standards – nationally described space standard' minimum space for a 1 bedroom, 2 person dwelling is 50m^2.

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

The yard is accessed by a small track that leads to Horsham Road. This is considered to comply with (p)

Conditions

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

(a) Transport and Highways Impacts of the Development,

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

The yard is accessed by a small track that leads to Horsham Road. In following advice from the LHA, "In summary, the movements associated with agriculture/equestrian 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.

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

(b) Noise Impacts of the Development,

The National Planning Policy Framework (NPPF) requires development to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The nature and extent of noise disturbance arising from proposed residential use would not be considered to adversely impact on neighbouring occupiers and users of land.

(c) Contamination Risks on the Site,

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

Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards and hard standings.

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

(d) Flooding Risks on the Site,

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

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

The agricultural yard shows little evidence of the area being actively used for agriculture. The building itself would be contained within the yard and would not thought to be impractical to site a dwelling in this location. Considering other nearby development, it would be thought the proposal would not represent an undesirable location.

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

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

The proposed works would involve the alteration and addition of windows and doors into the building and works for new cladding. Considering this, it would be considered that the barn would retain the original openings and therefore no contravention would be raised in regard to (f).

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

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

Other Matters

Water Neutrality

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

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

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

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

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

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

On this basis, an application under Section 77 of the Conservation of Habitats and Species Regulations 2017 would be required to be submitted, and development subject of this Prior Approval application cannot be carried out until a decision of such application has been made.

Recommendation: Prior Approval Required and Approved

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 the National Planning Policy Framework.

2 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: In the interests of amenity by endeavouring to achieve a building of visual quality in accordance with the National Planning Policy Framework.

Plans list for: DC/25/0124
(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
Elevation & Floor plan	Existing	1532 P 003	27.01.2025
Elevation & Floor plan	Proposed	1532 P 004	27.01.2025
Block plan		NONE	27.01.2025
Site plan		NONE	27.01.2025
Location plan		NONE	27.01.2025
Supporting Statement	Planning	NONE	27.01.2025
Supporting Docs	Structural Report	NONE	27.01.2025

DELEGATED

Case Officer sign/initial Jacques Burrowes Date: 30.04.2025

Authorising Officer sign/initial Guy Everest Date: 30.04.2025