Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0783
Pulborough Stud, Blackgate Lane, Pulborough, West Sussex, RH20 1DD

DESCRIPTION:

Prior Notification for Change of Use of Agricultural Building to 7no. dwellinghouses including partial demolition.

RELEVANT PLANNING HISTORY:

PL/67/96	Continued use of buildings and land for equestrian purposes for domestic use Site: Toatwood Farm Blackgate Lane Pulborough	Application Permitted on 25.02.1997
PL/126/02	Continued use of building as racing stables retention of stable lads flat,horse exerciser and sand school Site: Toatwood Farm Blackgate Lane Pulborough	Application Permitted on 20.01.2003
DC/05/1200	Sandschool	Application Permitted on 11.07.2005
DC/07/1859	Conversion of 2 store rooms into groom's accommodation	Application Permitted on 18.10.2007
DC/09/0368	Change of use to include the use as a riding school	Application Permitted on 05.05.2009
DC/24/1047	Extension of an existing equestrian exercise arena.	Withdrawn Application on 31.03.2025

SITE AND SURROUNDINGS:

The application site is located to the east of Black Gate Lane and is situated outside of any defined built-up area boundary. The site is therefore located within the countryside in policy terms.

The site comprises a number of buildings, which from the site visit, predominantly consist of equestrian stabling. Building 2 was laid out and occupied by a number of horses, albeit that some feed and hay was contained within one bay, along with Building 3. Buildings 4, 5, and 6 were also being used to house horses and associated paraphernalia. The wider site contained a horse exerciser and small sand school, alongside parking for equine vehicles. The fields to the south were being grazed/exercised by horses at the time of the site visit.

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 7no. dwellings.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

HDC Environmental Health: Comment

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.

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 is also required on measures to address water neutrality requirements

WSCC Highways: No Response Received

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.

Permitted development

Q. Development consisting of—

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

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

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

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

Development not permitted

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

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

(i) on 24th July 2023, or

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

The application site has an extensive planning history relating to equestrian activities on the site. Planning permission reference PL/67/96 related to the continued use of buildings and land for equestrian purposes for domestic use. This was approved with a number of conditions as follows:

3 The buildings, the subject of this application, shall not be let out of use for commercial purposes or in connection with any form of riding establishment.

Reason: In the interests of amenity and to enable the Local Planning Authority to regulate and control the development.

4 The use of each building shall be specified in the site layout plan submitted with this application and no additional loose boxes shall be provided within any of the buildings without the approval of the Local Planning Authority on application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail and to prevent an intensification of use.

The re line defining the application site included the cluster of buildings and areas of land immediately to the north, east and west of these, as well as three fields to the south of the access track. The Site Layout Plan approved as part of the application defined the use of the buildings, as limited by condition 4 of the planning permission. Building 1 was defined as a Rest Area and Farm Office, Building 2 an Indoor School, and Buildings 4 and 5 as Hay Storage and Stables. The planning permission approved the use of the buildings and land for equestrian purposes, albeit that this was limited for domestic purposes to the occupier of 3 Toatwood Bungalow. On the basis of this permission, it is considered that the lawful use of the site and buildings was equestrian, where the Hay Storage and Farm Office as defined on the Site Layout Plan were in place to support the needs of the equestrian facilities.

A later application under planning reference PL/126/02 related to the continued use of buildings for the stabling of racehorses and the retention of grooms accommodation. The red line defining the application

site extended around the perimeter of the land immediately adjacent to the subject buildings, and omitted the land to the south of the access track. This permission was subject of a number of conditions including:

1 The stables hereby permitted shall be used as a racing stable yard only and not for livery purposes.

Reason: In the interests of amenity.

2 The dwelling hereby permitted shall be occupied solely for purposes incidental to the use of Toatwood Farm as a racing stable yard only.

Reason: To maintain control over the development.

This permission approved the use of the buildings for equestrian purposes, and specifically to a racing stable. The use of the buildings and associated land is therefore considered to be equestrian.

Planning permission reference DC/05/1200 related to a sand school located to the west of the equestrian buildings, where the red line of the application site included the land subject of planning permission reference PL/67/96 and additional land to the north-west of the cluster of buildings. The sand school is subject of condition 4 which states:

4 The sand school hereby permitted shall be used solely for purposes incidental to the use of Toatwood Farm as a racing yard stable only.

Reason: In the interests of amenity and in accordance with policy CS26 and Annex 3 of the Horsham District Local Plan 1997.

A later application under DC/07/1859 related to the conversion of 2 store rooms into grooms accommodation. The red line of the application site included the cluster of buildings and the land immediately surrounding, with the land to the south and north-west included within the blue line. This permission is subject of condition 3 which states:

3 The annex hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of The Equine Centre, Toat Wood Farm, as a dwelling and shall not be occupied as an independent planning unit of residential accommodation.

Reason: The use of this would be contrary to Policy EDC1 of the Horsham District Local Plan 1997.

An application under planning reference DC/09/0368 permitted the change of use to a riding school. The red line defining the application site include the cluster of buildings as well as the area of land immediately surrounding, as well as the land to the south of the access track. This permission was subject to condition 2, which states:

2 The development hereby approved shall be used as a riding school and livery only.

Reason: Change of use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 are not considered appropriate in this case under policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

The red line defining the development site included the buildings and land immediately surrounding, as well as the land to the south. It is therefore considered that the use of the buildings and land falls under equestrian purposes.

As evident from the site visit, the subject buildings and land appear to be in use for equestrian purposes, where the buildings were internally arranged as stables and occupied by horses. It was noted that some hay was being stored, but it is considered likely that this was being stored as feed and bedding for the horses.

The planning history of the site suggests that the buildings and land have been used for equestrian purposes, in association with private purposes, racing stables, and riding school, with the evidence from the site visit indicating that this has remained until present.

The Planning Statement outlines that the site formed part of Toat Farm on 24 July 2023, where the site continues to form part of the established agricultural unit. No substantive evidence has however been provided to indicate how the site has operated as part of the wider agricultural unit. Further information was provided by email on 25.06.2025 which outlines that the Farm comprises two equestrian yards, 303 breeding ewes and 102 lambs, where the Farm is held in a farming partnership.

The planning history suggests that the buildings and land have been used primarily for equestrian purposes, where the land and buildings are considered to represent a single planning unit. It has not therefore been demonstrated to the satisfaction of the Local Planning Authority that the buildings subject of the current application was part of an established agricultural unit on 24 July 2023.

(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,

N/A

(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,

Each dwelling would measure to a floor space that would not exceed 150 square metres.

(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 cumulative number of dwellings would be 7, where these would measure to a cumulative floor space of 902.91sqm. The proposal would therefore accord with (d).

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

The site is understood to be in the ownership of the applicant with no tenancy in place. 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, 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 proposal would not result in the external dimensions of the building extending beyond the external dimensions of the existing building. The proposal would therefore accord 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,

N/A

(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 “When is Permission Required” chapter of the Planning Practice Guidance states that building works are allowed under the right permitting agricultural buildings to change to residential use. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation of replacement windows, doors, roof, exterior walls, water drainage, electricity, gas or other services to the extent reasonably necessary for the building to

function as a dwellinghouse; 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 allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

The proposal would include the insertion of windows, doors, and roof lights, with the re-cladding and re-roofing of the building. The proposal would also involve the partial demolition of the buildings to facilitate the conversion, and specifically provide sufficient spacing for each unit to benefit from natural light.

The Applicant has submitted Structural Reports for Buildings A and B which outline that the condition of the building would enable the conversion without extensive rebuilding, or additional main structural members.

Following a site visit, the buildings would appear to be structurally sound with the visual indications of failure. There is no evidence to suggest that the buildings could not be converted in their current state, with the proposed level of works not considered structural. It is therefore considered that the proposal would accord with (j).

(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 would accord with (o).

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

The building benefits from an access track that runs along the southern perimeter of the site and extends to Black Gate Lane.

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,

There is no evidence to suggest that the access point is operating unsafely. While the proposal would result in an intensity and frequency of vehicle movements, it is not considered that this would be significantly different to the movements associated with the established use.

(b) noise impacts of the development,

Paragraph 198 of the NPPF outlines 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 development.

While the proposal would amount to 7no. residential dwellings, it is not anticipated that this would result in a level of noise that would be harmful to the amenities of the site and surroundings.

(c) contamination risks on the site,

Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, waiter or noise pollution or land instability. Paragraph 196 of the NPPF continues 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 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.

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. It is however considered that this could be secured by condition should the application be considered acceptable in all other regards.

(d) flooding risks on the site,

The site is not located within a Flood Zone or within a surface water flood risk zone.

(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 application site comprises a cluster of buildings located in close proximity to several residential dwellings. The wider surroundings are characterised by equestrian and agricultural fields. While it is recognised that some of the land would be retained for equestrian purposes, it is recognised that there are other residential properties within the immediate surroundings. Given the established context of the site and relationship with the surroundings, it is not anticipated that the location or siting of the buildings would make it impractical or undesirable for the change of use.

(f) the design or external appearance of the building,

The proposal would involve the installation of windows, doors, and rooflights. The proposed openings would be of a varied size that would reflect the utilitarian character of the building, with the layout and arrangement of the openings considered to maintain the rural character of the buildings. The materials proposed would appropriately reflect the character and appearance of the buildings. No objections are therefore raised to the design and external appearance of the building.

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

The habitable rooms of each dwelling would benefit from adequate natural light in accordance with (g).

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

Paragraph X of Class Q defines "curtilage" as –

(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.

The proposed curtilage to serve the proposed dwellings would measure to an area no greater than the footprint of the existing buildings.

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.

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	902.91		902.91
		Total Gain	
		Total Demolition	**492.33**

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

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Prior Approval Required and REFUSED

Reason for Refusal:

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the land was used for agricultural purposes on 24th July 2023, or ten years prior, and that the building was in agricultural use as part of an established agricultural unit for the purpose of trade or business as set out in Paragraph X of Part 3. The notification therefore does not comply with paragraph Q.1.(a) of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0783
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan	Site Block Plan	150_02	12.05.2025
Floor plan	Existing Plans	150_03	12.05.2025
Roof plan	Existing Roof Plans	150_04	12.05.2025
Elevation plan	Existing Elevations	150_05	12.05.2025
Floor plan	Proposed Ground Floor	150_06	12.05.2025
Floor plan	Proposed First Floor	150_07	12.05.2025
Roof plan	Proposed Roof Plan	150_08	12.05.2025
Elevation plan	Proposed Elevations	150_09	12.05.2025
Location plan	Site Location Plan	150_01	12.05.2025

DELEGATED

Case Officer sign/initial	Tamara Dale	Date:	01.07.2025
Authorising Officer sign/initial	RHERMITAGE	Date:	04.07.2025