Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0788
Brookside Barns, Dagbrook Lane, Henfield, West Sussex, BN5 9SH

DESCRIPTION:
Prior Notification for Change of Use of Agricultural Building to 1no. dwellinghouse.

RELEVANT PLANNING HISTORY:

DC/20/0799	Proposed works to fully enclose existing barn	Application permitted 26.06.2020
DC/19/1534	Change of use of existing building into holiday let/ancillary guest accommodation	Application Permitted on 04.11.2019
DC/18/2082	Installation of cladding and new slate roof to enclose existing barn.	Application Permitted on 07.06.2019
DC/16/0147	Prior Approval for the Operation Development required for the Conversion of Agriculture Buildings to form 3 dwellinghouses (Use Class C3)	Prior Approval Required and REFUSED on 10.03.2016
DC/15/1950	Prior Approval of Proposed Change of Use of Agricultural Buildings to Form 3 Dwellinghouses (Use Class C3).	Prior Approval Required and PERMITTED on 15.10.2015
DC/15/0530	Prior Approval of proposed Change of Use of Agricultural Building to 3 Dwellinghouses (Use Class C3) and associated operational development	Prior Approval Required and REFUSED on 05.05.2015
DC/11/1668	Demolition of an existing barn and the construction of a new barn, inclusive of solar pv panels, within the footprint of existing barn.	Withdrawn Application on 08.11.201

SITE AND SURROUNDINGS:

The application site is located in the rural countryside outside of any defined built up area boundary. The site is accessed via a private lane from the A2037.

The application site relates to an open sided ‘dutch’ barn to the near west of Owl Lodge within Brookside Farm, found towards the westernmost extent of Dagbrook Lane. The existing barn comprises of a steel frame supporting two rounded corrugated metal roofs with a ‘lean-to’ element to its western extent.

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 one 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

WSCC Highways: Comment
Access would remain the same and there are no recorded accidents within the vicinity of the junction. There is no evidence that the access is operating unsafely. The proposal would result in a reduction in movements of vehicles at the site A property this size would need three parking spaces. There appears to be sufficient space within the site for this number of vehicles.

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 one dwelling under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The application form submitted as part of the application has confirmed that they wish for the application to be considered under the requirements of the GPDO prior to 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.

The building subject to this application is an agricultural building proposed for a change of use to a dwellinghouse.

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 barn subject of this notification has been previously considered pursuant to the provisions of Class Q (as amended) under application references DC/16/0147, DC/15/1950 and DC/15/0530. It is noted in connection with these previous determinations, or the appeal subsequent to ref: DC/16/0167, that the use of the building for agricultural purposes in relation to the limits of paragraph Q.1(a) was not questioned.

No evidence is available to the Authority that would suggest an intervening non-agricultural use prior to the qualifying date of 13th March 2013, or that the building was not used for agricultural purposes in connection with an agricultural enterprise on or before this date. It is, therefore, considered that the limits at Q.1(a) are not exceeded in this instance.

(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;

The plans submitted indicate that the barn would be converted to 1no. 4-bed dwelling measuring to a footprint of approximately 241m2. The proposal would therefore represent the conversion to 1no. larger dwellinghouse. The proposal would not exceed the limitations in (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;

The proposal would not be assessed as a smaller dwellinghouse under the provisions 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) 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 plans submitted indicate that the barn would be converted to 1no. 4-bed dwelling measuring to a footprint of approximately 241m2 and it would be only one dwellinghouse such that it would not exceed the maximum restriction of 5 dwellings. This would 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;

From the information available, the site has not been occupied under an agricultural tenancy. 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;

From the information available, the site has not been occupied under an agricultural tenancy. 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 prior notification has been submitted to the Authority pursuant to Class A(a) or Class B(a) of Part 6 since the relevant date of 20th March 2013, nor does the Authority hold any other evidence of development under Class A(a) or Class B(a) of Part 6 having taken place within the holding since the relevant date of 20th March 2013. Accordingly it is not considered that limits under paragraph Q.1(g) are exceeded in this instance.

(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;

From the plans submitted, there is no point where the external dimensions of the proposed development would extend beyond the existing building in accordance to (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.'*

Hibbitt v. SSCLG [2016] EWHC 2853 (Admin) outlined that there are three components of significance when considering Class Q permitted development. The first is the assumption that the building must be capable of functioning as a dwelling. Second, that the development include no new structural elements. Third, that the existing building must be sufficiently structurally strong to bear the loading from the external work.

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 barn subject of this notification was previously surveyed, with an engineer's report previously submitted in connection with ref: DC/16/0147. This report concludes that the building is structurally sound, noting that existing vertical supports and roof structures are sufficient to support a conversion to residential use, inclusive of the replacement of roof-surfaces, a first floor layer and walling elements. There has been no significant change in the condition or construction of the building since the previous submission and consideration of this report.

In resolving to dismiss an appeal subsequent to the refusal of ref: DC/16/0147 (ref: APP/Z3825/W/16/3152874), the Inspector considered that the removal and replacement of all external corrugated sheeting and roofing, together with the construction of new walls to provide an enclosed space, would go beyond a scope of works reasonably described as a 'conversion' as permitted under the terms of paragraph Q.b with regard to relevant case law.

Similar to that application considered under DC/20/1881 the current proposal would provide accommodation only at ground level, as opposed to across two-levels as previously proposed. It is considered that the structure, which benefits from a pre-existing concrete slab could support such a conversion with minimal structural alteration. The proposal does seek the replacement/introduction of new external fabrics in order to provide a fully enclosed space suitable for residential occupation, though, it is noted that works to implement a recently granted permission for works of a similar nature/extent pursuant to ref: DC/20/0799 have commenced. This extant permission, therefore, constitutes a material change in circumstance following the previous appeal determination, with the Authority recently resolving to grant prior approval in connection with works of a similar extent and circumstance in connection with ref: DC/20/0817.

It is not considered that the proposed works would amount to a substantial rebuild, or that the scale/effect of these works would go beyond changes which would be brought about through the implementation of the extant ref: DC/20/0799. Overall, therefore, with regard to the totality of extant and proposed changes it is considered that the proposal would not exceed the limits of Q.1(i).

(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,

No change proposed to the layout/arrangement of local highways or accesses. It is not considered that the proposal would represent a significant intensification or use, which may severely impact on highway operation or give effect to an unacceptable effect on highway safety. The proposal, therefore, is considered acceptable in relation to Q.2(1)(a).

(b) noise impacts of the development,

Paragraph 187 of the National Planning Policy Framework (NPPF) requires development to prevent both new and existing development from contributing to 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 application site found adjacent to existing domestic uses at Owl Lodge and the Old Dairy. While an agricultural barn would remain at ~10m west, it is not considered that the introduction of additional domestic uses in this instance (in the context of several pre-existing dwellings at Brookside Farm), would significantly or unacceptably exacerbate constraints on the operation of agricultural enterprise/business.

(c) contamination risks on the site,

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.

Should the development be considered acceptable, this could be addressed through an appropriately worded condition.

(d) flooding risks on the site,

The proposal is not located within a Flood Zone 2 or 3. No information has been submitted in regards to flooding on site, however given that the application site is not within a Flood zone 2 or 3 the proposal would be considered in accordance to Q.2 (d).

(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

Paragraph 109 of the Planning Practice Guidance states that *"Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable"*

The barn is served by a pre-existing metalled access, with utilities and services available in the vicinity. There is no evidence before the Authority that a change of use and the proposed building operations could not be undertaken as practical operation.

The barn is found in near proximity to an agricultural barn, though, would not be fundamentally impacted by the proximity to remaining agricultural uses to a greater degree than existing residential uses which would be deemed to warrant a refusal of planning permission in relation to Q.2(1)(e).

(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 existing building is of limited aesthetic or visual merit, with the only identifiable benefit being that it appears as a rural outbuilding within an agricultural context such that similar buildings may be expected in this locality. The proposal would maintain this rural visual appearance. Whilst the installation of doors, windows and external walls would result in an increased domestic appearance, it would retain the character of the 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.

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 would comply with the above and 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.

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 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.

Conclusion

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

Recommendation: Prior Approval Required and PERMITTED

Conditions:

1 **Pre-commencement condition**: No development shall commence until the following components of a scheme to deal with the risks associated with contamination (including asbestos contamination), of the site be submitted to and approved in writing by the local planning authority:

(a) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site, including soil contamination.

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/25/0788

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Planning	P-038d	12.05.2025
Supporting Docs	Photos	APPENDIX A	12.05.2025
Location plan		200424_000	12.05.2025
Block plan		200424_001	12.05.2025
Elevation & Floor plan	Existing	200424_100 REV 000	12.05.2025
Elevation & Floor plan	Proposed	200424_101 REV 01	12.05.2025

DELEGATED

Case Officer sign/initial Hannah Darley Date: 4th July 2025

Authorising Officer sign/initial RHERMITAGE Date: 04.07.2025