Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0789
Land North of Freeland House, Hurston Lane, Storrington, West Sussex,

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

RELEVANT PLANNING HISTORY:
DC/11/1200 Construction of a grain store (Prior Notification) Approved on 07/07/2011

SITE AND SURROUNDINGS:

The application site consists of an agricultural barn that was proposed under DC/11/1200 as a hay and machinery store which has dimensions of 24 metres in width and 12 metres in depth and an overall height of 7.3 metres. The structure is open with reinforced cement fibre roof sheet. The application site is approximately 25 metres north west of Hurston Lane.

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
Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of 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 Objection
The replacement of the single barn with 1 dwellinghouse would not result in a significant increase in traffic on the local highway network. An existing vehicular access is available and is acceptable to the Highway Authority.

Parish Comments:
None received

Representations:
One neutral comment, considering design, privacy, light trees and landscaping. Request to consider other neighbour comments.

Two objections with concern over design, privacy, light, noise, trees and landscaping, request to be considered under a full planning application. Concern over utilities, and roof design, question over the garden area, and request for landscaping to be appropriate natural screening to enable property to blend into the surroundings to it may mitigation light pollution. Some further comment advising the applicant to have consulted the nearby properties, concern over covenants on the land and potential further development. Some concern over the proposed building harming the nearby dwellings through loss of privacy and light pollution.

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.

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 Supporting Statement provided outlines that the subject buildings have been used for agricultural purposes for the storage of machinery and hay and came into use sometime after 2011 but prior to 2012 (when having due regard to satellite imagery). There is no evidence available to the local planning authority such that would suggest that the building since its erection has been not solely used for an ancillary agricultural use. Therefore it is considered that the subject building was used for agricultural use on the relevant date, in accordance with Q.1 (a).

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 288m2. 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 (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 288m2 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;

There is no evidence that development under Class A(a) or Class B(a) of Part 6 has taken place since the relevant date.

(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 with (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 includes 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.

No structural information has been provided to support the application, although it was evident from the site visit and photos supplied by the applicant that the building is in a good state of repair, with no signs of structural instability. The roof and vertical steels appear to be capable of supporting the loading that would be reasonably required by a conversion to a residential dwellinghouse.

(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 has not outlined any changes to the access arrangements such that it is understood that the access would remain as it is currently. No objections have been raised by the Highways WSCC department. No objections to the proposal in regard to transport and highways impact.

(b) noise impacts of the development,

Paragraph 187 of the NPPF states that 'planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

While acknowledged that there is the potential for conflicts to arise through nearby agricultural activities in the nearby locality, it is not considered that the proposed development itself would result in demonstrable harm to the amenities of surrounding residential properties or uses with the property itself being isolated from other dwellings.

(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 regard 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 with 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"*

There are no nearby buildings in close proximity to the site that would give rise to undesirable impacts in terms of amenity harm. Whilst the application site is somewhat isolated, this would not in and of itself be sufficient reason to warrant a refusal on this basis.

(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, and

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/25/0789

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Site plan	Existing	1412/02	12.05.2025
Elevation & Floor plan	Proposed	1412/03	12.05.2025
Location & Block plan		1412/05	12.05.2025
Elevation & Floor plan	Existing	1412/01	12.05.2025
Supporting Statement	Planning	NONE	12.05.2025
Supporting Docs	Appendix 1-8	NONE	12.05.2025

DELEGATED

Case Officer sign/initial	Hannah Darley	Date:	3rd July 2025
Authorising Officer sign/initial	RHERMITAGE	Date:	04.07.2025