Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1194
Barn to the South of Bassells, Blackstone Lane, Blackstone, Henfield, West Sussex, BN5 9TA

DESCRIPTION:

Prior Notification for change of use of an agricultural building to 2no. dwellinghouses (C3 Use Class).

RELEVANT PLANNING HISTORY:

None Relevant

SITE AND SURROUNDINGS:

The site lies to the west of Blackstone Lane, forming part of the wider agricultural holding of Blackstone Farm. The building is a steel-framed structure clad in corrugated and metal sheet cladding on three sides with the north elevation open. It is currently used for the storage of hay and machinery. Access is gained via an established track to Blackstone Lane.

The surrounding area is rural in character, comprising farmland and scattered residential properties. Public Right of Way footpath 3187 runs approximately 20 metres north of the barn, exiting onto Blackstone Lane adjacent to the field gate used for site access.

DETAILED DESCRIPTION:

This notification seeks prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended in 2024) for the change of use of an agricultural building to form 2no. two-bedroom dwellings (Use Class C3), with associated curtilage and parking.

The proposed development would provide two residential units of 298m² total floor area. The works include installation of windows, doors, insulation, internal partitions, roof works, timber cladding, and a mezzanine structure. The external dimensions would not be materially increased (maximum 0.2m tolerance).

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 and agricultural buildings may pose contamination risks due to past uses, construction materials, and storage of hazardous substances. Contaminants may also be present in made ground and hard standings.

Planning Practice Guidance recommends a preliminary risk assessment, including a site walkover, to confirm the site can be made safe for development.

Rainwater harvesting is proposed to meet water neutrality requirements. Ground condition information is needed to ensure the infrastructure is suitable and protected. If the building roof contains asbestos cement sheeting, further assessment is required to determine its suitability for rainwater collection.

WSCC Highways: No Objection - Under the current General Permitted Development Order (GPDO), changing the use of agricultural buildings to residential (Class C3) is considered permitted development, subject to prior approval. As part of this process, highway impacts must be assessed — specifically whether the proposal would materially increase or alter traffic character in the area.

In this case, the proposal is for converting an agricultural building into two dwellings on Blackstone Lane, a C-class road. Residential use is expected to generate fewer and more predictable movements compared to agricultural use, typically aligning with peak traffic times.

The WSCC Car Parking Demand Calculator indicates a need for four parking spaces, which can be accommodated on-site along with turning space. The Local Planning Authority may wish to secure details of car and cycle parking provision.

Given the safe history of agricultural movements and the less intensive nature of residential use, West Sussex County Council, as the Local Highway Authority, raises no highway concerns regarding the proposal.

Southern Water: Comment – Informative provided below

Parish Comments:

Woodmancote Parish Council: No Objection - If HDC is minded approving the application, Members requested that the following conditions be applied:

- Exterior lighting including floodlights - such lights should be facing in a downwards direction and be fitted with a sensor in order to reduce light pollution.

- Asbestos - as the existing barn may contain asbestos, plans need to be agreed to the removal and proper disposal of this hazardous waste.

Representations:

2 letters of representation 1 objecting and the other neither objecting nor supporting the application:

- Objection: Concern raised by neighbour at Bassells about asbestos risks and structural condition of barn. Requests professional removal to protect public health and nearby footpath users.
- Neutral: The Ramblers request consultation with WSCC PROW team to ensure footpath 3187 is protected.

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,

(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,

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 Council holds no information suggesting that the building has been used for purposes other than agriculture. The Planning Statement confirms that the building continues to be used solely for agriculture as part of an established agricultural unit. It has been used primarily for storage of hay and machinery in association with Blackstone Farm. Requirement (a) is satisfied.

(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,

The scheme seeks to provide 2 dwellings, with a floor space of 149m2 each, and a total floor space of 298m². Requirement (b) is met.

(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,

Taken with other conversions (none on this holding), the total is 2 dwellings, 298m², well below the 10 unit / 1,000m² maximum. Requirement (d) is satisfied.

(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 not subject to an agricultural tenancy and no such tenancy has been terminated. Requirement (e) is satisfied.

(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,

No tenancy has been terminated in the past year for the purpose of enabling Class Q development. Requirement (f) is met.

(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 during the period which is 10 years before the date development under Class Q begins,

No works under Class A(a) or B(a) of Part 6 have been carried out on the agricultural unit since the relevant date. Requirement (g) is satisfied.

(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 works proposed (windows, doors, cladding, re-roofing, mezzanine installation) would not extend the external dimensions of the building beyond its existing envelope, other than a minor tolerance permitted under the 2024 amendment. Requirement (h) is satisfied.

(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 extension is proposed.

(j) the development under Class Q(c) 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(j)(i),

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

'Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it

recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.'

The agricultural building under consideration, despite some signs of wear and tear, appears to be structurally sound and capable of supporting residential use without the need for significant new structural elements. The proposed installation of essential features such as windows, doors, roofs, and exterior walls, are considered to be “reasonably necessary" to allow the building to function as a dwelling. Requirement (i) is satisfied.

(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 201564 as read with the notes dated 19th May 2016 which apply to it, or

Each dwelling would comply with the national described space standard.

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

The site benefits from an established access from the north of Blackstone Lane to the north-east of the building.

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

(a) transport and highways impacts of the development,

The proposal would use the existing access onto Blackstone Lane. Conversion to two dwellings is not expected to intensify vehicle movements beyond those associated with agricultural use. West Sussex County Council, acting as the Local Highway Authority, has reviewed the proposal and found it

acceptable in highway terms. WSCC noting that four on-site parking spaces can be accommodated with adequate turning space. The proposal would not cause harm to the function or safety of the public highway. Therefore, the prior approval for the change of use is deemed acceptable.

(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.

Paragraph 198 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.

Nearby uses are predominantly agricultural or residential. The Planning Statement confirms no significant noise sources are present, though some disturbance may arise from farming operations to the south and traffic along the shared access. This is typical for a rural location and not of a scale to warrant refusal. The dwellings would provide an acceptable standard of amenity. In addition, there are other residential properties within the vicinity.

(c) contamination risks on the site,

The building has been used primarily for hay and machinery storage and is not part of a working yard. Following consultation with the Environmental Health Officer, a Phase 1 Preliminary Risk Assessment is considered necessary and can be conditioned.

(d) flooding risks on the site,

The site is within Flood Zone 1 (low probability of flooding). No mitigation measures are required. The proposal therefore satisfies the flooding considerations under Class Q.

(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 building is set within a rural farm holding with established access and sufficient space for curtilage and parking. There are no constraints that would make the siting impractical or undesirable. Public Right of Way footpath 3187 lies nearby but would not be obstructed. The location and siting are considered acceptable.

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

The existing building is of limited aesthetic or visual merit. While the resulting building would appear relatively uniform and domestic in appearance, the proposed design is considered to sufficiently reflect the existing character and appearance of the host building, and no objections are raised to the design.

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

It is considered that each of the habitable rooms would benefit from adequate natural light.

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

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

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

The proposed residential curtilage, as indicated by the red outline on the Location Plan, would be no greater than the land occupied by the agricultural building.

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.

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).

NOTE TO APPLICANT
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.

NOTE TO APPLICANT
The applicant is advised that a public right of way (Footpath 3187) crosses near the site. This permission does not authorise any works which obstruct, divert, or otherwise affect the public right of way. The public footpath must remain unobstructed and available at all times, both during and after construction.

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/25/1194
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan		2506BL_000	21.07.2025
Floor plan	Existing	2506BL_100	21.07.2025
Elevation plan	Existing	2506BL_101	21.07.2025
Floor plan	Proposed	2506BL_200	21.07.2025
Elevation plan	Proposed	2506BL_201	21.07.2025
Supporting Statement	Planning	NONE	21.07.2025
Supporting Statement	Water Neutrality	NONE	21.07.2025

DELEGATED

Case Officer sign/initial Shazia Penne Date: 11.09.2025

Authorising Officer sign/initial Tamara Dale Date: 12.09.2025