Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1039
Swains Farm , Brighton Road, Henfield, West Sussex, BN5 9RP

DESCRIPTION:

Prior Notification for Change of Use of Agricultural Building to 8no. dwellinghouses.

RELEVANT PLANNING HISTORY:

DC/22/2118	Prior Notification for Change of Use of an Agricultural Building to residential (Use Class C3) to form 4no dwellinghouses.	Prior Approval Required and PERMITTED on 04.01.2023
DC/20/0031	Prior notification for the demolition of an agricultural building of steel frame and concrete construction with metal sheet cladding over concrete block walls and roofed with sheet material	Prior Approval Not Required on 05.02.2020
DC/24/0355	Construction of Sand School for Equine Use adjacent to Existing Stables	Application Permitted on 14.05.2024
DC/24/1164	Demolition of agricultural building and erection of 4nos residential dwellings.	Pending Consideration
DC/24/1764	Prior Notification for demolition of existing rear lean-to extension and change of use of an agricultural building to 1no dwellinghouse (C3 Use Class).	Prior Approval Required and PERMITTED on 08.01.2025
DC/25/0781	Removal of modern agricultural building and replacement with 4 new-build residential dwellings with associated landscape works.	Pending Consideration

SITE AND SURROUNDINGS:

The application site is north of the A281 Brighton Road and 0.75 miles east of Henfield and relates to an agricultural building sited within the curtilage of Swains Farm, a grade II listed building with associated agricultural buildings set within a farmstead. The access lane from the A281 is shared with Swains Nursery, Henfield Cricket Club and residential properties. Open countryside is to the north, west and south of the site. The site is outside of any built-up area and as such is located within countryside but has no other statutory designations. The site is within a rural area characterised by farms, commercial uses, recreation and residential dwellings.

This application relates to an agricultural building sited on an area of hardstanding which forms part of the farm yard. To the north and west of the building is land belonging to the applicant forming part of the farm. To the east are the residential dwellings of Swains Farmhouse and No.s 1 and 2 Swains Farm Bungalows and a farm building. To the south is the lane leading 0.25 miles to the A281. A public right of way runs to the east and south of the building.

The building measures 355sq.m and is of a part steel frame/part concrete construction. Corrugated asbestos and metal sheet cladding over block walls. The building is stated as being used mainly for the storage of potatoes grown on the wider farm.

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 8no. 2-bed 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.

Rainwater harvesting is proposed to meet water neutrality requirements. Information on ground conditions is required to ensure the rainwater system infrastructure is appropriately specified and suitable protected. The roof to the building appears to comprise asbestos cement sheeting and further comment should be provided on the suitability of this roofing material for rainwater collection.

WSCC Highways: No Objection subject to conditions

No visibility issues at the access point. Development of this scale is unlikely to result in a severe increase in vehicle movements. Space for 16 cars on existing curtilage is shown with sufficient space for parking and turning.

HDC Conservation: Comment

As with withdrawn application, DC/25/0704, there will be an impact within the setting of the listed building. The need for multiple car parking spaces and segregated private spaces will have a suburbanising and detrimental impact in this location. Would prefer to see a design led approach that reinforces the rural character of this location and within the setting of the listed building.

* Officer note* The previous conservation officer comment noted in relation to withdrawn application DC/25/0704 that:

"There will be an impact within the setting of the listed building but satisfied there will be no greater harm than currently exists."

It is the opinion of the planning officer that since the previous application that the current design has been improved since the previous design, with fewer openings and a less residential, more agricultural appearance. This will be further considered within the body of this report.

Southern Water: Comment

Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

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 eight dwellings 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 –

(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 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 the Schedule or to extend that building.

Prior approval consent is sought to convert the existing agricultural building into eight dwellings under Q(ai) as above.

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 residential agricultural unit—

(i) on 24th July 2023

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

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

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

From research into the planning history of the application site, the application Building was used for the storage of potatoes grown on Swains Farm on the relevant date and the Council hold no evidence to suggest that any other use has occurred in the intervening time from this date.

(b) in the case of a building that was (but is no longer) part of an 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 under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

The floor space of each of the dwellings would be between approximately 74sqm and 94sqm.

(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 wider site includes an agricultural building to the north of the subject building which has been subject of Prior Notifications for change of use to a single dwellinghouse. When coupled with the current proposal, the total number of dwellings would not exceed 10. The cumulative floor space of all dwellings would also not exceed 1,000sqm.

The proposal would be in accordance to Q(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 not occupied under an agricultural tenancy such that the proposal would be in accordance to Q(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;

The site is not occupied under an agricultural tenancy such that the proposal would be in accordance to Q(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 during the period which is 10 years before the date development under Class Q begins,

From the evidence available, no works under Class A(a) of B(a) of Part 6 have taken place on the agricultural unit since the relevant date. The proposal is therefore considered to meet the requirements q(g).

(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 buildings. The proposal is therefore considered to meet the requirements Q(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,

There would be no operations under Class Q(b) that would result in an extension. The proposal is therefore considered to meet the requirements Q(i).

(j) the development under Class Q(b) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas, or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

Paragraph 105 of the Planning Practice Guidance in relation to building operations states the following: *'Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right*.'

In accordance with the previous officer report, the existing building appears relatively robust and suitable for conversion and the proposal would involve the installation of doors and windows to allow natural daylight into the main habitable rooms, replacement of roofing material, rainwater pipes and gutters, replacement (timber) cladding to walls, installation of internal walls, insulation to floors, walls and roof and a damp-proof course and internal insulation. These works are considered to be reasonably necessary for the conversion of the building to residential and the proposal is therefore considered to meet the requirements of Q(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, although the building is considered to be within the setting of a listed building (Swains Farmhouse which is grade II listed).

(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 be in accordance to nationally described space standards for a two storey, 2-bed, 3 person and 4 person dwelling.

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

The proposal would utilise the existing access to the public highway. Following consultation with WSCC as the Local Highways Authority, no objection to the proposal has been raised.

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 impact of the development

It is not anticipated that the proposal would represent a significant intensification in terms of vehicle movements relative to existing agricultural operations. There is no evidence that this existing access is inadequate or that the proposal would unacceptably influence the function or safety of the highway network. Highways have been consulted and raise no objection to the proposal in terms of the operation, function or safety of the public highway network.

(b) noise impacts of the development

Paragraph 187 of the NPPF states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 198 continues that decisions should ensure that all 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 the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse averse impacts on health and the quality of life.

While some noise disturbance may be anticipated from agricultural operations in the fields surrounding the barn and from vehicle movements on the shared private way, this would not be unexpected in a rural location or of such magnitude that would warrant an objection on the grounds of paragraph Q.2(b).

(c) Contamination risks on the site

Paragraph 187 of the NPPF states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 196 of the NPPF states 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.

The building is stated to contain asbestos with some preliminary information submitted relating to a previous application. Given that the information submitted was based on a residential use which tested groundwater and ground contamination for a proposal which would use a borehole, the information submitted is not directly applicable but of relevance in its application to waste disposal. Environmental Health have been consulted and have stated that whilst the Preliminary Contamination Assessment is acceptable, insufficient testing has been taken as part of the Intrusive Site Investigation. Specifically, o trial pits have been dug within the proposed amenity spaces. A condition has therefore been recommended to address this matter.

(d) flooding risks on the site

The site lies outside of any designated Flood Zone 2 or 3.

(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

The application site is located within a countryside location, with the grade II listed building of Swains Farmhouse located to the northeast of the building the subject of the prior approval notification. This designated heritage asset forms the original historic farmhouse of the wider agricultural unit and is considered to be a good example of a modest farmstead situated on the edge of the Henfield Common.

Article 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty as respect of Listed Buildings in the exercise of planning functions. Article 66(1) states that "…*for development which affects a listed building or its setting, the local planning authority…shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

The NPPG notes 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 and realistic, and undesirable reflects that it would be harmful and objectionable'*.

Matters regarding the impact of the conversion of the nearby Listed Building were considered and the Conservation Officer consulted has raised some concern about the suburbanising character of the site as a whole given the number of developments in the locality. As viewed within the public realm, the building does not fall in the foreground of the Listed Building, though it is appreciated as part of its broader setting and character.

The Conservation Officer raised no objection to the development as part of the previous application, noting that whilst there was an impact on the setting of the listed building, this was not a harmful impact.

The proposed alterations in association with the conversion were considered to maintain the utilitarian character of the building, necessitating minor changes to its appearance in terms of external materials and fenestrations only. The resulting building was not considered to have a prominent domestic character, especially given its constrained curtilage, and would substantially maintain the appearance of the site at present. Overall, the proposal would not result in a form of development that is undesirable or impractical with reference to paragraph Q.2(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 building in its current form is not designed for residential purposes and is not considered to be of any particular architectural interest. The proposed alterations are not considered to enhance the appearance of the existing building, however it is recognised that the proposal would not substantially alter its existing utilitarian character. Overall, it is considered that the proposed change is acceptable with reference to the design and external appearance of the building.

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

Each main room will be served by window(s) to provide natural light and ventilation into the dwelling.

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 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 conditions listed below.

Recommendation: Application Permitted

Conditions:

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

a) An intrusive site investigation scheme, based on the preliminary risk assessment submitted and hereby approved to provide information for the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation and an options appraisal.

c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in are complete and identifying any requirements for longer-term monitoring of pollutant linkages, mainte-nance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these com-ponents 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/25/1039
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Phase 1 Desk Study by Albury S.I. Ltd dated July 2024	24/12940/JAM	25.06.2025
Elevation plan	Existing Elevations	2308SW_2025_102 REV 00	25.06.2025
Floor plan	Existing Ground Floor Plan	2308SW_2025_100 REV 00	25.06.2025
Block plan	Block Plan	2308SW_2025_001 REV 00	25.06.2025
Location plan	Location Plan	2308SW_2025_000	25.06.2025
Elevation plan	Proposed Elevations	2308SW_2025_106 REV 00	25.06.2025
Floor plan	Proposed First Floor Plan	2308SW_2025_105 REV 00	25.06.2025
Floor plan	Proposed Ground Floor Plan	2308SW_2025_104 REV 00	25.06.2025
Elevation plan	Existing Elevations	2308SW_2025_103 REV 00	25.06.2025

DELEGATED

Case Officer sign/initial Hannah Darley Date: 14/08/2025

Authorising Officer sign/initial Tamara Dale Date: 19/08/2025