Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1682
Ingfield Manor School, Ingfield Manor Drive, Five Oaks, Billingshurst, West Sussex, RH14 9AX

DESCRIPTION:
Siting of two new school buildings, containing three classrooms, for educational use (Lawful Development Certificate - Proposed)

RELEVANT PLANNING HISTORY:
There is an extensive planning history at the site which has been taken into account as part of the below Planning Assessment. The application of most relevance to this current application is: -

HRA/24/0006	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to the erection of three temporary classrooms.	Under Consideration

PLANNING ASSESSMENT
The buildings would be sited on an existing school site and would not amount to a material change of use. The classroom buildings are of substantial construction and would be attached to services to function as a classroom. The supporting statement advises that the classrooms would be permanent, albeit they may be removed at a later date. The size and permanence of the classrooms are such that they are considered to amount to buildings, and are capable of falling under Class M of Part 7 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended. The main consideration of this application is whether the buildings would be permitted development.

Part 7 Class M – extensions etc for schools, colleges, universities, prisons and hospitals

Development not permitted: -

(a) if the cumulative footprint of any erection, extension or alteration under Class M on or after the relevant date would exceed the greater of—

(i) 25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on the relevant date; or
(ii) 250 square metres;

The cumulative footprint is the greater measure in this instance, and the proposal development would not exceed this.

(b) in the case of a college, university, prison or hospital building, if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;

The site is used to educate children aged 3-19 and this may overlap college provision, albeit of a different type. The development is though not sited within 5 meters of a boundary of the curtilage.

(ba) in the case of a school, where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land;

Appendix A of the submission confirms no uses within Part C of the Schedule to the Use Classes Order are within 5 metres of the boundary.

(c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;

Appendix A of the submission confirms the buildings would not be sited on a playing field.

(d) if the height of any new building erected would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
(ii) in all other cases, 6 metres;

The buildings would not exceed 6 metres.

(da) if the height of any rooftop structure would exceed 1.5 metres;

No rooftop structure is proposed.

(e) if the height of the building as extended or altered would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, the lesser of the height of the building being extended or altered or 5 metres; or
(ii) in all other cases, the height of the building being extended or altered;

No extension or alteration proposed.

(f) if the development would be within the curtilage of a listed building; or

(g) unless—

(i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;
(ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services [F12;]
(iii) in the case of prison buildings—
(aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners ; and
(bb) in the case of a closed prison, the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on the relevant date.

The site is not within the curtilage of a listed building.

Conditions:

M.2 Development is permitted by Class M subject to the following conditions—

(a) the development is within the curtilage of an existing school, college, university, prison or hospital;

Yes

(b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university, prison or hospital;

Appendix 1 of the submission confirms the development would provide additional classrooms for the school.

(c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university, prison or hospital buildings; ...

(d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

The application site is not article 2(3) land.

(e) where proposed development under Class M relates to the erection, extension or alteration of a school building that results in an increase in the school's published admission number, the developer must, within a period of six months starting with the date the development is completed, submit to the local planning authority a travel plan for the site;

The applicant is advised of this condition by way of an informative.

(f) where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) transport and highways impacts of the proposed development;
(ii) the design and external appearance of the erection, extension or alteration; or
(iii) the impact of the development on heritage and archaeology;

The development does not relate to a university building, the above together with (g), (h), (i) and (j) are not therefore applicable.

Other Considerations

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.

The applicant is therefore advised that in order to be permitted development, no development must commence until the written approval of the local planning authority has been given pursuant to the application submitted under Section 77 of the Conservation of Habitats and Species Regulations 2017, ref: HRA/24/0006. Any development undertaken in advance of any such written approval would not represent permitted development.

Recommendation: Application Permitted

Reason:

1 The development would be permitted by Class M of Part 7 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended.

NOTE TO APPLICANT

- The applicant is advised that it is a condition of permitted development that, where a proposed development under Class M relates to the erection, extension or alteration of a school building that results in an increase in the school's published admission number, the developer must, within a period of six months starting with the date the development is completed, submit to the local planning authority a travel plan for the site. This condition must be complied with, if relevant, in order for the development to constitute permitted development.

- 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

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Plans list for: DC/24/1682
(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 plan		4864 - 1014 REV A	29.10.2024
Site plan	Proposed	4864 - 1012 REV A	29.10.2024
Elevation & Floor plan	Existing	4864 - 1011 REV A	29.10.2024
Elevation & Floor plan	Proposed	4864 - 1012 REV A	29.10.2024

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 05.03.2025