Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0636
Monks Farm , Honeywood Lane, Okewood Hill, Surrey, RH5 5QA

DESCRIPTION:
Prior Notification for Change of Use of Agricultural Building to two dwellinghouses. Erection of a rear extension to existing barn.

RELEVANT PLANNING HISTORY:

DC/20/1090	Prior approval for the change of use of the agricultural barn to C3 residential to form 1no dwelling.	Prior Approval Required and REFUSED on 07.08.2020
DC/24/1742	Prior Notification for Change of Use and extension of an Agricultural Building to 3no dwellinghouse (C3 Use Class).	Prior Approval Required and REFUSED on 30.12.2024
DC/25/0090	Prior Notification for Change of Use and extension of Agricultural Barn to 2no. dwellinghouses.	Prior Approval Required and REFUSED on 17.03.2025
HRA/25/0008	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/25/0090	Under Consideration
DC/25/0440	Prior Notification for Change of Use of Agricultural Building to 2no. dwellinghouses.	Under Consideration

SITE AND SURROUNDINGS: SITE AND SURROUND
The site is located in Okewood Hill, to the north of Horsham District. The application site comprises a farm with a number of agricultural buildings, with two residential dwellings located closest to the barn. Surrounding the application site are fields, with significant vegetation screening the site. There is also a restricted byway which runs alongside the barn and the access track. The application site is not located with a Flood Zone.

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

RELEVANT PLANNING POLICIES
National Planning Policy Framework

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: 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.

WSCC Highways: The movements associated with agricultural use have done so safely with no known highway's safety concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. The prior approval is therefore considered acceptable in highway terms.

Parish Comments:
Initial comment: This appears to be a new application relating to the same site as a previous one DC/25/0440, which has not yet been determined.

If it is to be assumed that the Habitats Regulation submission HRA/25/0008 submitted to DC/25/0090 (an earlier application which was refused) applies to DC/25/0636, the same view as previously submitted on water neutrality applies, as follows:

> *'The water neutrality statement submitted by the applicant states 'with the residential conversion and the integration of greywater recycling for toilets and washing machines, the new development's potable water demand is expected to be substantially offset by these systems.' Is the 'expected to be substantially offset' statement sufficiently robust evidence to be able to conclude that adverse effects of the development on the integrity of the Arun Valley Designated Sites cannot be ruled out? The data shown is not definitive. Details and calculations need to be provided to evidence whether the offsetting is sufficient, rather than relying on an expectation. Rudgwick Parish Council anticipates that the HDC Appropriate Assessment will be carried out to determine whether the evidence currently provided is sufficiently robust to achieve the necessary conclusion'*.

Additional comment: The amendments show no obvious change and so the previous statement of response stands. The Water Neutrality position on both applications remains questionable and requires further investigation and more robust data and detail to be produced in order to be assessed against the required criteria.

Representations:
One representation has been received, objecting to the proposal for the following reasons: -

- The barn is in an unsustainable location for conversion to two family hones. It is 2 miles from the only facilities in Rowhook namely The Chequers Inn and further still from shops, schools or access to public transport making complete dependence on the use of private motor cars for daily life.
- Support the view of the Rudgwick Parish Council who to continue to raise concerns on water neutrality and habitats.

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,**

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 application site and barn stand alone along a public right of way. As with previous application (DC/24/1742; DC/25/0090; DC/25/0440), the Class Q permitted development rights was updated in May 2024, with the ten-year clock reset to 24th July 2024. The application building was part of an established agricultural unit on 24th July 2023. The planning statement and the statutory declarations state that the barn has been used to store vehicles, machinery, tools, and equipment in relation to agricultural use.

From a site visit, the building appears to be in line with this, with no evidence to show that it is not. On the basis of evidence available to the Local Planning Authority, and on a balance of probability, it would be considered that the site would have been part of the established agricultural unit on 24th July 2023.

(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,**

N/A

(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,

Each dwelling is indicated to comprise a floor area of 148m^2 (ground floor + first floor = 88m^2 + 59m^2) therefore not exceeding the provisions of (c).

(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 proposed seeks prior approval for 2 units at 148m^2. No other development under the class has been identified at the surrounding site. This totals less than 10 units and less than 1,000 square metres across the agricultural holding. The proposal is considered to meet the requirements (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 understood to be in the ownership of the applicant with no tenancy in place. 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;**

There are no agricultural tenancies that the LPA is aware of. 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 development under Class A(a) or Class B(a) of Part 6 has taken place.

(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 proposed dwellings each have a 3m rear extension tucked in from the side elevations by 1.4m though this is considered acceptable under the Q.1(i).

(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,**

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.'*

Previously, DC/24/1742 was refused as it had not been substantiated that the proposal had met Q.1(i)(vii). DC/25/0090 continued with this reasoning based on the Council's interpretation that Google Earth satellite images suggested that the hardstanding was a recent addition and that a site visit seemed to confirm this. Available imagery from December 1999 to August 2013 shows the area heavily vegetated, with images from September 2018 showing the area cleared but not confirming the presence of hardstanding, with the area looking like grassland. All subsequent images to May 2024 show the rear of the barn area to be overgrown which does not suggest that the area has been hardstanding for a length of time which would accord with the above.

The Planning Statement includes images from two separate dates, including 30 December 2022. The image from this date appears to show the presence of hardstanding to the rear though it is not conclusively proven.

On the balance of the available information it is considered likely that the ground does benefit from the presence of hardstanding, with no substantive evidence to confirm its absence. As such, the date precedes the requirement of hard surface being provided on or before 24th July 2023 (as per '((vii)(aa))', it is considered that the proposal meets the Q.1(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);**

Replacement external materials and new windows/doors will be installed. The extent and nature of these works is not considered to go beyond that permitted by this limitation. The external structures would remain the same dimensions, with the addition of a 3m extension at the rear, and there is no evidence to suggest that the building is unsuitable for conversion in its current state.

(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 2015 as read with the notes dated 19th May 2016 which apply to it, or

Each unit would measure 148m^2 net internal floor area and would comply with national Space Standards of at least 115m^2 for a 4-bedroom, 7 person dwelling. Each bedroom would comply with the recommended minimal space standard and storage space.

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

The site is accessed off Honeywood Lane, which connects to the Horsham Road. The existing access is suitable to serve additional dwellings, as it currently serves several down Monks Lane. The access has also facilitated agricultural use for several years and currently sits on an existing public right of way.

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,

West Sussex County Council, as the Local Highways Authority (LHA), have been consulted as part of this prior notification process and raised no objection.

It is not considered that the proposal would result in a significant intensification of vehicle movements beyond existing agricultural vehicle movements, and would represent a minor change within the context of the highway network.

The LHA also commented that: "[The] WSCC Car Parking Demand Calculator indicates that 2 dwellings of this size in this location would require six car parking spaces. No vehicular parking has been demonstrated. There appears space within the wider site for parking to be accommodated, it is not anticipated that overspill would occur within the publicly maintained highway in this location, it should also be noted that public access should be retained along the PROW at all times and not obstructed.

The applicant has not provided details of cycle parking provision. The LHA is mindful of the property location as being more rural and remote of shops and amenities, therefore the LPA should consider whether cycle parking would be a justifiable request in this location.

(b) noise impacts of the development,

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 nature and extent of noise disturbance arising from proposed residential use would not be considered to adversely impact on neighbouring occupiers and users of land.

There is no evidence to suggest agricultural activities taking place on surrounding land are of a nature which would lead to unacceptable impacts on future occupants of the dwellings.

(c) Contamination risks on the site,

The NPPF states that planning decisions should be based on adequate site investigation information, prepared by a competent person, which demonstrates suitability for use. Without sufficient information submitted with this application it is not possible to make such a determination.

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.

No contamination reports have been submitted to support this application. The planning statement states that the barn was used for the storage of hay and agricultural equipment and therefore it is

unlikely for contaminants to be present. While this information is required, it is considered that the additional information could be secured by way of condition which would be considered sufficient to render the development acceptable in relation to Q.2(1)(c).

(d) flooding risks on the site,

The site is not located within a surface water flood risk zone..

(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 location of the site, near to existing residential buildings, would be suitable and would have limited impact on neighbouring occupiers in relation to Q.2(1)(e) given the separation to dwellings within the surrounding area.

(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 proposed conversion would install new openings throughout the building at ground and first floor levels. The fenestration is somewhat uniform in terms of the layout and proportions, particularly to the rear elevation. This is though also a result of the single-storey extension, which although permissible within the scope of Class Q has an unduly modern / suburban form. It is considered the alterations to the most visible front and side elevations would sufficient retain the agrarian character of the building, such that the design and external appearance is acceptable, notwithstanding concerns regarding the rear elevation.

(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.

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, the proposed development is considered to comply with Class Q of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Recommendation: Application 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 undertake 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 the National Planning Policy Framework.

NOTE TO APPLICANT

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.

Plans list for: DC/25/0636
(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
Elevation plan	Proposed	24059C-P-101 REV B	16.04.2025
Elevation plan	Proposed Section	24059C-P-102 REV B	16.04.2025
Floor plan	Proposed first	24059C-P-103 REV B	16.04.2025
Floor plan	Existing ground	24059C-P-104	16.04.2025
Elevation plan	Existing	24059C-P-105	16.04.2025
Floor plan	Existing Section	24059C-P-106	16.04.2025
Location plan		NONE	16.04.2025
Supporting Statement	Cover letter	NONE	16.04.2025
Supporting Statement	Cover letter	NONE	16.04.2025
Supporting Statement	Planning	NONE	16.04.2025
Location plan	Existing	24059C-P-002 REV 1	16.04.2025
Block plan		24059C-P-001 REV 1	16.04.2025
Block plan		24059C-P-003 REV c	21.05.2025
Location plan	Proposed	24059C-P-004 REV c	21.05.2025
Floor plan	Proposed ground	24059C-P-100 REV B	16.04.2025

DELEGATED

Case Officer sign/initial JBurrowes Date: 09/06/2025

Authorising Officer sign/initial Guy Everest Date: 10.06.2025