Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0822
Clayfield Farm, Valewood Lane, Barns Green, West Sussex, RH13 0QJ

DESCRIPTION:
Prior Notification for Change of Use of Agricultural Building to 2no. dwellinghouses.

RELEVANT PLANNING HISTORY:

DC/20/1200	Prior notification for the conversion of an agricultural barn to 2No. residential dwellings.	Prior Approval Required and REFUSED on 21.08.2020
DC/20/2453	Prior notification for change of use of agricultural buildings to 2No. dwellinghouses (Class C3)	Prior Approval Required and REFUSED on 01.02.2021
DC/21/1998	Prior notification for the conversion of an agricultural building into two dwellings.	Prior Approval Required and PERMITTED on 20.10.2021

SITE AND SURROUNDINGS:

The application site is located on the northern side of Valewood Lane with a long private access road leading to the barn in question. The barn is situated to the south of existing agricultural workers mobile homes (subject to planning permission DC/10/1937) and the west of a large area of designated ancient woodland also protected by a 'blanket' tree preservation order (TPO/0733).

DETAILED DESCRIPTION:

This notification seeks prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an agricultural building to form 2 no. dwellinghouses.

The barn is accessed to the south from Valewood Lane, with a gravelled private way serving both the barn and mobile home to the north.

This application is a resubmission of application reference DC/21/1998 for the same proposal of 'Prior notification of an agricultural building into two dwellings', which was approved on 20 October 2021.

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: No Objection and recommend conditions to be included, if approved.

WSCC Highways: No Objection.

Natural England: Objection:-
The Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of:-
• Arun Valley Special Area Conservation (SAC);
• Arun Valley Special Protection Area (SPA);
• Arun Valley Ramsar Site.

As it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on Arun Valley sites, advise that developments within this zone must not add to this impact. Case Law requires that plans and projects affecting sites where an existing adverse effect is known to demonstrate with certainty that they will not contribute further to the existing adverse effect or to go through the latter stages of the Habitat Regulations. Developments within the Sussex North Water Supply Zone, therefore, must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy,

Southern Water: Insufficient information.

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 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 a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

As previously determined the barn in question is considered to be in agricultural use at Clayfield Farm and the proposal relates to the change of use to C3 use. This application relates to the same proposal as the previously approved scheme under DC/21/1998 with no changes to the layout or design of the development. Therefore, the previous conclusion remains the same that the overall extent of proposed alterations is not considered to exceed the threshold of works permitted by paragraph Q.(b) as a 'conversion'. The proposal, therefore, satisfies the provisions of Class Q(a) and (b).

Development not permitted
Q.1 Development is not permitted by Class Q if—

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—
- **(i) on 20th March 2013, or**
- **(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or**
- **(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;**

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.

As previously determined in DC/21/1998, the details contained within the applicants submissions in relation to ref: DC/10/1937 and ref DC/13/2362, including stock numbers, financial data and professional opinion, it is considered, as a matter of fact and degree, that the building was in commercial agricultural use on the qualifying date of 20th March 2013 as part of an established agricultural holding.

Overall, therefore it is considered that, on a balance of probabilities, the building was in a qualifying use on the relevant date specified under Q.1, and therefore, qualifies for the provisions of 'Class Q'.

b) in the case of—
- **(i) a larger dwellinghouse, within an established agricultural unit—**
  - **(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or**
  - **(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;**

There has been no other development under 'Class Q' within the holding to date. The cumulative number of separate dwelling would be 2 and the floorspace subject to the change of use in association with proposed development would total 450m2. The retention of an agricultural store within the centre of the building is noted, which would bring the cumulative floorspace up to 474.8 sqm and exceed the 465 sqm threshold. However, as previously explained that the judgement in *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314, confirms that it is only floorspace subject to a change of use which contributes to the floorspace limit.

ba) the floorspace of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465m2;

There has been no previous development pursuant to Class Q on the holding to date, nor would the proposed dwelling exceed the 465m2 limit. The proposal, therefore, is accords with the provisions of Q.1(ba).

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

The floor space of the proposed dwellings would be regarded as two 'larger' dwellinghouses beyond the limits of Q.1(c)(bb), accordingly is subject to assessment against Q.1(b).

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

As confirmed previously, there has been no other development under 'Class Q' within the holding to date, therefore, the cumulative number of separate dwellings would not exceed the threshold of 5 under Q.1(d)(ii). The cumulative floorspace subject to a change of use in association with proposed development would total 410.12m2, in compliance with Q.1(d)(i).

(e) the site is occupied under an agricultural tenancy, unless the express consent of both landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy. The submitted planning statement explains that there are no agricultural tenancies in place relating to the barn to be converted to two dwellings.

(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, nor has this been terminated for the purposes of enabling development under Q.1(f)(ii).

(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

The Council planning records indicate that there has been no agricultural permitted development (development under Class A (a) or Class B (b) of Part 6 of the Schedule (agricultural buildings and operations) carried out on the established agricultural unit since 20th March 2013. The agricultural barn in question was approved in 2008 (under application reference DC/07/1566) and constructed in 2009.

(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;

The proposal relates to previously approved scheme under application reference DC/21/1998 and no changes are proposed. As previously concluded, the nature of the proposed works detailed on the submitted information is considered that the external dimensions of the existing building would not be exceeded for the purposes of Class Q. h).

(i) the development under Class Q(b) would consist of building operations other than—
- **(i) the installation or replacement of—**
  - **(aa) windows, doors, roofs, or exterior walls, or**
  - **(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and**
- **(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);**

The building operation proposed would remain the same as previously approved scheme, DC/21/1998. Therefore, as previously considered the building operations are 'reasonably necessary' for the building to function as a dwellinghouse, and therefore, in compliance with Q.1(i)(i).

As there is no demolition proposed, provisions of Q.1(i)(ii) would not be relevant in this instance.

(j) the site is on article 2(3) land;

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

(k) the site is, or forms part of—
- **(i) a site of special scientific interest;**
- **(ii) a safety hazard area;**
- **(iii) a military explosives storage area;**

The site is not within any of these areas.

(l) the site is, or contains, a scheduled monument; or

The site is not and does not contain a scheduled monument.

(m) the building is a listed building

The building is not a listed building

Conditions

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

(a) transport and highways impacts of the development,

The proposal would result in the creation of two dwellings in substantial replacement of a large agricultural building. The barn is served by a pre-existing highway access onto Valewood Lane. The Local Highways Authority has not raised any concerns regarding the development on highway safety and/or operation, therefore the proposal would be in compliance with the provisions of Q.2(1)(a) in terms of expected transport and highway impact.

Conditions have been recommended to secure the provision of vehicular and cycle parking to ensure the development would adequately meet the transport needs of future occupiers in accordance with the provisions of Q.2(1)(a).

(b) noise impacts of the development,

The site is well-removed from existing dwellings to the south of the site on Valewood Lane. It is not considered that the proposed conversion would result in a material detriment to the amenities of these neighbouring occupiers in terms of noise disturbance. An increase in the level of noise emanating from a residential use in lieu of an agricultural use to be lost would not be deemed of material detriment to local character and/or tranquillity.

(c) Contamination risks on the site,

The application was accompanied by the Contamination Risk Assessment prepared by EAS Limited and dated March 2023. Following consultation with the Council's Environmental Health Officer, a series of planning condition have been suggested to include as part of an approval to ensure the development adheres to the recommendations set out in the Contamination Risk Assessment.

(d) flooding risks on the site,

The site is located in Flood Zone 1, as land not identified at strategic risk of fluvial, tidal, surface or groundwater flooding.

It is, therefore, considered that there is no prevailing flood risk in this instance which would warrant a refusal in respect of Q.2(1)(d).

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

As previously determined, any degree of noise disturbance would not prove so significant to undermine the objective enjoyment of proposed dwellings, warranting objection in relation to Q.2(1)(e) on the grounds of undesirability.

(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 design and external appearance of the barn conversion remains the same as the approved scheme DC/21/1998. Therefore, as previously concluded the proposal would not detrimentally affect local character and appearance, and therefore, objection on the basis of Q.2(1)(f) is not warranted in this instance

Other Matters:

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone, where Natural England have advised that water abstraction cannot be concluded to result in no adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites.

Article 3(1) of the Order grants planning permission for the classes of development specified in Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site or a European offshore marine site, 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. This above process is administered under separate specific legislation, and is therefore distinct from the scope of this prior notification.

It is not, therefore, necessary to consider the effects of water abstraction and demonstration of water neutrality in the consideration of this application. An informative is instead recommended to advise that the presence of a prior approval does not confirm that this development is permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and that further written notification is required from the Local Planning Authority under Regulation 77 of the Conservation of Habitats and Species Regulations 2017.

National Space Standards:

Paragraph 9A of Article 3 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), does not permit development involving the creation of new dwellinghouses:-

"(a) where the gross internal floor area is less than 37 square metres in size; or
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015"

Paragraph 9B of Article 3 confirms the relevant space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

The plans submitted indicates that the proposed 2 no. four bedroom dwellings would each respectively total 205m2 in gross-internal area. The proposals, therefore, would meet the nationally described space standards requirements for a 4-bedroom 8-person single storey dwelling of minimum gross internal floor area of 117 sqm, plus 3.0 sqm of storage.

Conclusion:

As previously concluded, the proposal would comply with all relevant updated conditions and limitations to Class Q, with the proposal deemed acceptable in relation to relevant grounds for prior approval subject to the inclusion of appropriately worded conditions. It is, therefore, recommended that prior-approval be granted accordingly.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

1 **Pre-Occupation Condition**: Prior to the first occupation (or use) of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Section 10 of the Contamination Risk Assessment prepared by EAS Limited and dated March 2023 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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).

2 **Regulatory Condition**: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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).

INFORMATIVE

1. The applicant is advised that this decision relates solely to whether the Prior Approval of the Local Planning Authority is required and does not confirm that the proposal represents Permitted Development. The site lies within the Sussex North Water Supply Zone where Natural England has advised that water abstraction cannot be concluded to result in no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special Protection Area (SPA) and the Arun Valley Ramsar Site.

   It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a significant effect on a European Site "must not be begun" until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect. Following this an application must be made to the Local Planning Authority for its approval. No development must be begun until the developer has received written notification of the approval of the Local Planning Authority. For further information on this process see Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 (general development orders).

   The applicant is advised that any development commenced without compliance with Regulation 75 of the Conservation of Habitats and Species Regulations 2017 would be in breach of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would be subject to potential future enforcement action.

2. Asbestos containing materials should be identified in accordance with guidance stated in HSG264 Asbestos: The Survey Guide. All confirmed or suspected asbestos containing materials shall be removed by an appropriately licensed and competent contractor.

3. All site clearance debris and construction waste shall be removed from site by an appropriately licensed waste removal contractor including all asbestos waste.

4. In the implementation of this prior-approval the applicant should have regard to guidance published guidance (https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveyslicences) pertaining to the protection of ancient woodland, ancient and veteran trees, including the incorporation of appropriate buffer zones to ancient woodland adjacent to the application site.

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/25/0822

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	Existing	D 0721/439/02	15.05.2025
Floor plan	Proposed	D 0721/439/03	15.05.2025
Elevation plan	Existing	D 0721/439/04	15.05.2025

Elevation plan	Proposed	D 0721/439/05	15.05.2025
Section plan	South West	D 0721/439/06	15.05.2025
Section plan	South East	D 0721/439/07	15.05.2025
Location & Block plan		D 0721/439/01	15.05.2025
Supporting Docs	Example Of Lightweight Metal Framed Ceiling	NONE	15.05.2025
Supporting Statement	Method	NONE	15.05.2025
Supporting Docs	Survey Report	NONE	15.05.2025
Supporting Docs	Contamination Report	NONE	15.05.2025
Supporting Statement	Planning	NONE	15.05.2025
Supporting Docs	Preliminary Contamination Ris Assessment	NONE	04.06.2025
Supporting Docs	Contamination Risk Assessment	NONE	04.06.2025

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 09.07.2025

Authorising Officer sign/initial RHERMITAGE Date: 18.07.2025