Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1166
Stumbleholme Farm, Rusper Road, Ifield, West Sussex, RH11 0LQ

DESCRIPTION:
Prior Notification for change of use from an agricultural buildings to 10no. dwellings (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/23/1839	Prior Notification for Change of Use of 2No Agricultural Buildings to 5No dwellinghouses (C3 Use class).	Prior Approval Required and REFUSED on 27.11.2023
DC/23/1840	Prior Notification for Change of Use of Agricultural Building to 5no. dwellinghouses (C3 Use class).	Prior Approval Required and REFUSED on 27.11.2023
DC/24/0033	Prior Notification for Change of Use of Agricultural Building to 5no. dwellinghouses (C3 Use class).	Prior Approval Required and REFUSED on 01.03.2024
DC/24/0034	Prior Notification for demolition of existing agricultural barn	Prior Approval Not Required on 05.02.2024
DC/24/0036	Prior Notification for Change of Use of Agricultural Building to no 5 dwellinghouses.	Prior Approval Required and REFUSED on 04.03.2024
DC/24/0037	Prior Notification for demolition of existing agricultural barn	Prior Approval Not Required on 05.02.2024
DC/24/0038	Prior Notification for demolition of existing agricultural barn	Prior Approval Not Required on 05.02.2024

SITE AND SURROUNDINGS:

The buildings subject to this application form a single agricultural unit. The application site is set back a significant distance from Rusper Road, along a private access track.

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 10 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:

WSCC PROW Officer: Holding objection

Firstly the used route through the site does not appear to align with the legal line and I would firstly strongly recommend the applicant contacts WSCC to establish the formal legal line. The best contact to do that would be legal.services@westsussex.gov.uk.

Another concern I have is the curtilage of some of the buildings and the likelihood that they actually encroaching of the public highway (namely FP1549). Plot C is my biggest concern and the plan provided aren't very clear so I would also like to see additional drawings showing the proposed development in relation to the surrounding environment and Public Right of Way.

Unfortunately until I have seen this and been given opportunity to properly consider this I would like to place a holding objection but if the applicant wishes to send these through directly I'd be happy to consider it and advise accordingly.

HDC Environmental Health: No Comment

Southern Water: Comment

Construction of the development shall not commence until details and diagram of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the LPA and Southern Water

Parish Comments:

Objection

Representations:

1 letter of representation received supporting the application on the following grounds:

- Reuse of redundant building

1 letter of representation received objecting to the application on the following grounds:

- Impact on public footpath

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 buildings to provide ten 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 buildings into ten dwellings under Q(c) 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,**

The site is an established agricultural unit, with it being evident during the site visit that whilst the barns were largely empty, they did contain agricultural machinery. Without evidence to contradict this, the development is in accordance with Q.1 (a).

(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.**

The development is in accordance with Q.1 (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 dwellings in Barn B would be 85sqm, Barn E would be 106sqm and 104sqm, Barn D would be 105sqm and Barn C would be 127sqm. The development would be in accordance with Q.1 (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 external footprints would be 1,068 sqm, comprising of Barn B (170m2), Barn E (420sqm), Barn D (210 sqm) and Barn C (268sqm). The internal floorspace would be 977sqm. Furthermore, the prior approval proposes the conversion of the building into 10x dwelling, with no other consented schemes on the agricultural unit. The development would therefore be in accordance with Q.1 (d).

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

From the information available, the site has not been occupied under an agricultural tenancy. 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;

From the information available, the site has not been occupied under an agricultural tenancy. 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 during the period which is 10 years before the date development under Class Q begins,

There is no evidence that development under Class A(a) or Class B(a) of Part 6 has taken place since the relevant date.

(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),

No part of the buildings would appear to extend beyond their existing external dimensions.

(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,

The development is in accordance with Class Q (a).

(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);

With regards to building operations, Planning Practice Guidance 105 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.'

Officers note previously refused schemes on the site for the reason of the buildings not being capable of conversion (DC/23/1839, DC/23/1840 and DC/24/0033). With respect of buildings B and C, the Inspector in the case of the application DC/24/0033 noted that '*In this regard, having regard to the details of the condition of the buildings that the appellant has provided as well as the proposed works, I consider that the building operations proposed would be reasonably necessary to convert the building and would not be operations amounting to the complete or substantial re-building of the pre-existing structure.*' It is noted that the most recent application to refuse the conversion of buildings D and E did not include this reason to refuse the application. Given the Inspector's comments on the matter relating to buildings B and C, and the Local Planning Authority not recently / previously raising issues relating to the conversion of buildings D and E, the development is considered to accord with Class Q.1(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.

(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 sufficient in scale to be in accordance with Nationally described space standards.

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

There is a nearby residential dwellinghouse in current use with no suggestion that the existing access to the site is unsuitable.

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

The proposal would utilise the existing access to the public highway. The public rights of way team have stated that they have a holding objection given the impact of the proposal on the PRoW, as they note that the PROW has been redirected unlawfully. This is considered however to have occurred in advance of the proposed development and is not in relation to it. Overall, the proposal would not harm the function or safety of the public highway network.

(b) noise impacts of the development

Paragraph 187 of the National Planning Policy Framework (NPPF) requires development to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

While acknowledged that there is the potential for conflicts to arise through other uses and activities of the wider site and surroundings, as discussed in further detail below, it is not considered that the proposed development itself would result in demonstrable harm to the amenities of surrounding residential properties or uses. Furthermore, it is noted that prior approval consents have been granted to demolish other buildings on the site that may have continued to have remained in agricultural use. Provided that the applicant is committed to their removal, Officers have no objection on these grounds. A condition is attached to ensure that the demolition of these buildings takes place prior to the occupation of any of the dwellings.

€ Contamination risks on the site

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.

Should the development be considered acceptable, this could be addressed through an appropriately worded condition.

(d) flooding risks on the site

The proposal is not located within a Flood Zone 2 or 3. No information has been submitted in regards to flooding on site, however given that the application site is not within a Flood zone 2 or 3 the proposal would be considered in accordance to Q.2 (d).

€ 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

It was considered as part of the previous application that the buildings to be retained in agricultural use within the wider site would have potential to give rise to unacceptable impacts on the future occupiers of the proposed development. While recognised that there are other residential dwellings within the locality, these are physically separate from the application site, with the physical barriers (in the form of vegetation and fencing) offering some noise mitigation. In contrast, no such barriers would be afforded the_ubjectt building. €t is therefore considered that the location and siting of the building makes it undesirable for the building to change use to a residential dwelling. At appeal the Inspector made no assessment of this and given that the current application proposed the conversion of further agricultural buildings such that no agricultural buildings would remain, a new assessment is required. The only agricultural building not subject to the current application, has been notified for demolition such that it is considered that there would be no remaining agricultural activities within the site if the proposal were granted a prior notification. Subject to the agricultural uses of the site ceasing as part of the proposed development and the demolition of the remaining agricultural building, there would be no objection in respect of Q.2 €.

(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 dwellings would result in a more residential appearance than the current agricultural buildings, with a greater number of doors and windows. Nevertheless, the overall appearance of the converted dwellings would be utilitarian and would retain some of their existing agricultural appearances.

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

Whilst the dwellings would have some rooms without access to natural light, these are utility rooms or W.Cs where access to natural light is not essential.

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 –*

(b) 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.

Recommendation: Prior Approval REQUIRED and PERMITTED

Conditions:

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

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

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

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

(d) Prior to the first occupation of any dwelling hereby approved, 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 shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

2 **Pre-Occupation Condition**: The first use or occupation of any dwelling shall not commence until the demolition has taken place in accordance with DC/24/0038. All demolition and construction activities shall be carried out in accordance with the details and measures set out by the Agent's supporting statement submitted to the Local Planning Authority and received 09.01.2024.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 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/25/1166

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan	Barn B	PBP2a REV C	15.07.2025
Elevation & Floor plan	Barn B	PBNB REV C	15.07.2025
Block plan	Barn D and E	PBP3 REV C	15.07.2025
Elevation plan	Barn E	PBNE-3 REV B	15.07.2025
Elevation plan	Barn E	PBNE-2 REV B	15.07.2025
Elevation plan	Barn D	PBND-2 REV C	15.07.2025
Floor plan	Barn E	PBNE-1 REV C	15.07.2025
Supporting Statement	Development Management Advice Note	NONE	15.07.2025
Floor plan	Proposed ground - Barn D	PBND-1 REV C	15.07.2025
Block plan	Barn C	PBP2b REV C	15.07.2025
Elevation plan	Proposed Barn C	PBNC-2 REV C	15.07.2025
Floor plan	Proposed ground - Barn C	PBNC-1 REV C	15.07.2025

DELEGATED

Case Officer sign/initial Hannah Darley Date: 13th August 2025

Authorising Officer sign/initial RHERMITAGE Date: 08.09.2025