Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1147
Brookside Farm, Dagbrook Lane, Henfield, West Sussex, BN5 9SH

DESCRIPTION:
Prior Notification for Change of Use of an Agricultural Building to 3no dwellinghouses (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/21/0993	Erection of a two-storey dwelling.	Application Permitted on 19.08.2021
DC/21/2040	Erection of 3 x new build dwellings (alternative to Prior Approval ref: DC/20/1881 for Change of Use of Agricultural Buildings to form 4 dwellinghouses).	Application Refused on 01.11.2021
DC/22/1036	Prior Notification for Change of Use of Agricultural Building to residential (Use Class C3) to form 3no dwellinghouses.	Prior Approval Required and PERMITTED on 22.07.2022
DC/22/1038	Prior Notification for Change of Use of Agricultural Building to residential (Use Class C3) to form 1no dwellinghouse.	Prior Approval Required and PERMITTED on 22.07.2022
DC/22/1673	Erection of an 'American barn' for equestrian use	Application Permitted on 12.10.2023
DC/24/0863	Demolition of 2no Agricultural Buildings and Erection of 2no dwellinghouses.	Application Refused on 06.08.2024
DC/24/1558	Demolition of 2no. Agricultural Buildings and erection of 2no. dwellings.	Pending Consideration

SITE AND SURROUNDINGS:

This application concerns land and buildings at Dagbrook Lane, situated towards the end of the Lane and some significant distance west of Shoreham Road. The sited is found within a rural context beyond a defined built-up area and involves an existing large barn together with surrounding land.

The application site is bounded by agricultural land to the north, west and south, though, the main farmyard for Brookside Farm extends to the east and north-east, and includes a number of former agricultural buildings now in residential use.

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 3 dwellinghouses.

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 Highways: Comment
The application is a resubmission of DC/22/1036. A change of use of the site would result in reduction in vehicular movements, the access as existing would be acceptable and has not been proposed to be altered. The development would require three car parking spaces.

Southern Water: Comment
No means of foul/surface water have been detailed.

Environmental Health officer: No objections
Information submitted and condition recommended

Parish Comments:
None received

Representations:
One received. Neutral comment, single track former farm road with limited passing places, such that there would be ideally some improvement to access road.

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 –

(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 three dwellings under Q(a)(i) 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.

The site was in agricultural use as part of an established agricultural unit at the time of this application and the requisite date above. As detailed under section 2 of this statement, the previous approval under planning reference DC/22/1036 included a statutory declaration dated July 2022, confirming the sole and continuous agricultural use of the building. The requirements of Q.1(a) are therefore considered to have been met.

(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.

During the site visit the application site did not appear to be in any meaningful use, largely being empty. The previous officer's report of DC/22/1036 concluded that the likely use was last agricultural given that it was part of an agricultural holding. It is noted that the council hold some evidence submitted by the owner in support of another submission that the building was temporarily being rented out as a commercial space. This was not however regularised such that it would have been unlawful, was for a temporary time and there is no evidence as to the matter of fact and degree that it was being used in a commercial manner. Overall, research of the planning history of the wider site reveals that much of the surrounding agricultural buildings, also part of the holding were in agricultural use on the above dates and overall therefore, on the face of it the building subject of the present prior approval would meet the tests of the qualifying dates.

(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 109m2, 139m2 and 148m2.

(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.

There are some agricultural buildings within the wider site that have received prior approvals, however of these that remain extant they would not exceed 10. The cumulative floor space of all dwellings would also not exceed 1,000sqm. The proposal would be in accordance with 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*.'

It was evident during the site visit that the condition of the building was suitable for conversion, with all structural elements appearing in good condition. The works required 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.

(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 and would have suitable space for storage.

(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(e) 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(a) 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.

As above, the present consent represents a resubmission of a previously granted consent (DC/22/1036)- this consent included a condition for contamination details to be submitted to and approved in writing to the Local Planning Authority prior to the development commencing. The subsequent discharge of conditions application was discharged in part, save for part (d) of the condition (DISC/24/0230). As the ground conditions are unlikely to have changed following the approval of these details in November 2024, Officers are content that the remaining part of the discharged condition be attached to this consent, referencing DISC/24/0230.

(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 proposed alterations in association with the conversion are 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 dwellings would not 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 dwellings given their largely open plan layout.

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-Occupation Condition**: Prior to the first occupation of the dwellings hereby permitted, a verification plan shall be submitted to and approved in writing by the Local Planning Authority providing details of the data that will be collected in order to demonstrate that the works set out in 1(c) relating to application DISC/24/0230 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 appropriately addressed in accordance with Paragraph Q.2(1)(c) of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in addition to paragraphs 187(e) and 196(a) of the National Planning Policy Framework (2024).

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/25/1147

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Preliminary Contamination Risk Assessment	635/BrooksideFarm/PCRA	09.07.2025
Supporting Docs	Declaration	NONE	09.07.2025
Photos	Barn	APPENDIX A	09.07.2025
Supporting Statement	Planning	P-038e REV 1	09.07.2025
Elevation & Floor plan	Existing, Block and Location	2205BR_R0_000 REV R.0	09.07.2025
Elevation & Floor plan	Proposed, Block and Location	2205BR_R0_001 REV R.0	09.07.2025

DELEGATED

Case Officer sign/initial Hannah Darley Date: 02/09/2025

Authorising Officer sign/initial RHERMITAGE Date: 02.09.2025