Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1407
Jessups Farm, Honeybridge Lane, Ashurst, West Sussex, BN44 3AW

DESCRIPTION:
Prior Notification for the Change of Use of Agricultural Buildings to Storage.

RELEVANT PLANNING HISTORY:

DC/23/1516	Application to confirm the north and south barns have existed and have been built and used continuously for agricultural purposes for a period in excess of four (4) years. (Lawful Development Certificate - Existing)	Application Refused on 14.03.2024

SITE AND SURROUNDINGS:
The application site is located to the west of Honeybridge Lane, outside of any designated built-up area boundary. The site is therefore located within the countryside in policy terms.

The site comprises a brick building and timber cladding building located immediately to the east of the dwelling known as Jessups Farm and located centrally within the complex of buildings. The site is accessed from the north, with an area of hardstanding provided immediately to the south-west.

There are three large barns within the site, known as north, south and west barn. The wider surroundings are characterised by open countryside and woodland, with a number of ponds located within the vicinity of the site. The western barn has been sited for four years and thus is immune from enforcement action, and given that there are no agricultural operations within the site is not considered in agricultural use.

DETAILED DESCRIPTION:
This notification seeks prior approval under Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015, for a change of use from agriculture to storage.

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: Objection: -

Could it be confirmed if the barns are to be converted into self-storage units for domestic type use or storage just for commercial/Agriculture items/use. There is no detail of any lighting that maybe provided. If there is, then the full extent and an appropriate assessment needs to be provided. This needs to include the impact on the nearest habitable property which is Jessops Farm. Until for above information is received then this department cannot support the application.

WSCC Highways: No Objection to the proposed prior approval, no visibility issues, parking is available within the site and vehicular movements would be acceptable.

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 R of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 3rd July 2012;
(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 building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;

It is evident from planning history that the farm operated until 2011 until the livestock were sold. There is no evidence to suggest that there was a different use on site between the livestock being sold and 3 July 2012 such that the last use before this date was agriculture. The barns proposed for conversion would be in accordance with Part 3, Class R.1(a).

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1000 square metres;

Both barns comprise a combined floor area in excess of 150m^2 (881m^2) and are not in excess of 1000m^2 which would be in accordance with (b).

(c) the site is, or forms part of, a military explosives storage area;

Not applicable.

(d) the site is, or forms part of, a safety hazard area; or

Not applicable.

(e) the building is a listed building or a scheduled monument.

Not applicable.

R.3—(1) (b) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) transport and highways impacts of the development;

The application form includes a section in relation to transport and highways to outline that the access allows for vehicles to enter and leave the site in forward facing gear. It notes that compared to the historic previous agricultural use there would be lower vehicular movements although this is not evidenced through a transport statement. There are no details of the proposed hours of operation, vehicular movements or parking. From inspection of the plans, there appears to be sufficient space within the site for appropriate parking provision to be accommodated. There is also space for on-site turning to be achievable, allowing vehicles to exit the site in a forward gear. With the above in mind, the proposed change of use would not result in any adverse transport or highways impact.

(ii) noise impacts of the development;

The location of the barns in respect of neighbouring land and properties, which immediately surrounding the barns is presently part of the same holding, is such that no unacceptable impacts arising from noise would be anticipated, with a condition recommended to control working hours for the storage use.

(iii) contamination risks on the site; and

The buildings have previously been used for agricultural purposes and as such there is some risk of contamination being present. However, Part R does not allow any building operations necessary to facilitate the change of use, with the applicant advising that no conversion works would be sought. The presence of a storage use within the existing buildings would not be expected to create a risk of contaminants being mobilised, or create risk to future end users. An unsuspected contamination condition is though recommended in the event anything is suspected or encountered above ground.

(iv) flooding risks on the site,

The site is not within a Flood Zone and there are no concerns in respect of flood risk.

Conclusion

The proposal seeks conversion of buildings in excess of 150m^2- prior approval is therefore required. The proposal has been considered in relation to all relevant conditions, limitations, and restrictions of Class R in Part 3. As reasoned in detail above, it is considered that the proposal would comply with all relevant criteria of Class R, and it is therefore recommended that prior approval be permitted.

Recommendation: Prior Approval Required and Permitted

Conditions:

1. **Regulatory Condition**: If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

   Reason: 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:** No work shall be carried out at, and no materials shall be delivered to, or dispatched from, the site, outside of the hours of 08:00 to 18:00 Monday to Friday, and 09:00 to 13:00 on Saturdays. No such operations shall take place at any time on Sundays or on Bank Holidays.

   Reason: To safeguard the amenities of neighbouring properties in accordance with the National Planning Policy Framework.

NOTE TO APPLICANT
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 could not be carried out until a decision of such application has been made. Further details can be found through https://www.horsham.gov.uk/planning/water-neutrality-in-horshamdistrict/regulation-77-conservation-of-habitats-and-species-regulations.

Plans list for: DC/24/1407
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement		NONE	12.09.2024
Location plan		NONE	12.09.2024
Elevation plan	North Barn	NO.3	12.09.2024
Floor plan	North Barn	NO.4	12.09.2024

Elevation plan	South Barn	NO.5	12.09.2024
Elevation plan	South Barn	NO.6	12.09.2024
Block plan		NONE	12.09.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 05.11.2024

Authorising Officer sign/initial Guy Everest Date: 06.11.2024