Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1692
Woodhouse Farm, Wheatsheaf Road, Woodmancote, West Sussex, BN5 9BA

DESCRIPTION:
Prior Notification for Change of Use of Agricultural Building to 5no. dwellings (C3 Use Class)

RELEVANT PLANNING HISTORY:

DC/23/1005	Prior Notification for Change of Use of Agricultural Building to 5no. dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 06.07.2023
DC/18/1001	Prior Approval of Proposed Change of Use from an agricultural building to 5 dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 03.07.2018
DC/18/1004	Prior Approval of Proposed Change of Use from an agricultural building to 3 dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 03.07.2018
DC/18/2165	Conversion of an agricultural building to 4 two storey dwellings.	Application Permitted on 06.12.2018
DC/19/0923	Prior approval for a proposed change of use of agricultural building to 3.No dwellinghouses (Class C3)	Prior Approval Required and PERMITTED on 21.06.2019
DC/19/1489	Demolition of existing barn and erection of 3.No detached dwellings with associated parking	Application Refused on 16.09.2019
DC/19/2128	Demolition of existing barn and erection of 3.No attached single storey dwellings with associated car parking	Application Permitted on 21.02.2020
DC/20/0815	Erection of an agricultural grain storage barn	Application Permitted on 30.06.2020
DC/21/2257	Removal of part of existing agricultural building and conversion of remaining sections to form 4no two-storey dwellings.	Pending Consideration
DC/22/0564	Prior notification for the erection of a barn for wood, machine and general farm storage.	Prior Approval Required and REFUSED on 12.04.2022
DISC/23/0162	Approval of details reserved by condition 3, 4 and 5 to approved application DC/19/2128	Application Refused on 22.09.2023
DC/24/0704	Prior Notification for Change of Use of Agricultural Building to 3No dwellinghouses (Class C3)	Prior Approval Required and PERMITTED on 01.07.2024

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 5no 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:

HDC Environmental Health: No Objection
(From previous application- DC/23/1005)
Given the historic agricultural use of the application site, a land use which Environmental Health considers potentially contaminating, of the view that the ground on the site has the potential to be contaminated. Contamination assessments will therefore need to be undertaken to assess the risks to future site users. Are however happy to request this information through conditions and will therefore be recommending suitable conditions. Comments made on the adequacy of the Water Neutrality Statement and specifically the rainwater harvesting system proposed. Further information required in this regard.

WSCC Highways: Comment
The site is located on a farm complex which is accesses via private drive from Wheatsheaf Road. It is unlikely the proposal will generate a significant level of traffic and no changes are proposed to the access onto the public highway.

The Local Highway Authority does not consider that the proposal for 5 dwelling(s) would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Parish Comments:
None received

Member 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.

ASSESSMENT

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 site was in agricultural use as part of an established agricultural unit, operating for commercial purposes, at the time of the original Prior Approval back in 2019. From a site visit, the building appears to continue to be used for agricultural storage, 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 83m2 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 5 smaller units. There is previous development under class Q at the agricultural holding that is extant under DC/24/0704 for 3 residential units totalling 318 square metres. 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 in the ownership of the applicant. 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 does not include any extension or additions to the existing structure.

(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.'*

Replacement external materials and new windows/doors will be installed, alongside the demolition of a small wooden lean-to to the northern elevation of the unit. The extent and nature of these works is not considered to go beyond that permitted by this limitation.

(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, alongside the demolition of a small wooden lean-to to the northern elevation of the unit. The extent and nature of these works is not considered to go beyond that permitted by this limitation.

(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 83 square metres net internal floor area and would comply with national Space Standards.

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

The existing yard leads directly onto an unadopted track, with ample visibility at the point of access onto the private highway. There is no record of unsafe operation where the unadopted highway adjoins to Wheatsheaf Road (B2116), and it is considered that the proposal would not detrimentally influence public or private highway safety or operation

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, have been consulted as part of this prior notification process and raised no objection accordingly.

In accordance with the response of the LHA 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 existing yard leads directly onto an unadopted track, with ample visibility at the point of access onto the private highway. There is no record of unsafe operation where the unadopted highway adjoins to Wheatsheaf Road (B2116), and it is considered that the proposal would not detrimentally influence public or private highway safety or operation.

(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.

(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 information in respect of Contamination Risk has been submitted in support of the application. While it would be beneficial to provide this information up front, a suitably worded condition has been recommended to secure full detail as to contamination risk and any relevant remediation measures.

(d) flooding risks on the site,

The proposed buildings are sited within Flood Zone 1 as designated by the Environment Agency and therefore no concern is raised in this respect.

(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

Agricultural activities undertaken in close proximity to the buildings subject of this notification, and resulting residential units, could impact upon the amenities/wellbeing of future occupants by reason of noise and odour disturbance. This would, potentially, fall beyond the control of future occupants, and could be of some scale given the range of existing facilities. It is, though, acknowledged that the prior approval of the Authority has previously been given, where it was concluded that there would be no conflict. There have been no material changes to the spatial context since the previous Prior Approval, and there is no justifiable reason to reach a different conclusion.

The application site benefits from a pre-existing highway access and is not located in proximity to any sensitive industrial or utility facilities. There is no evidence before the authority that a change of use would prove impractical in this instance.

(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 works would involve the alteration and addition of windows and doors into each of the buildings. While the number of these windows would be greater than would usually be expected, it is considered that the arrangement of the windows and doors would retain the utilitarian character and appearance of the rural building, and it is therefore considered that the design and appearance of the conversion is acceptable.

(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.

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 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: Prior Approval Required and PERMITTED

Conditions:

1 **Pre-Commencement Condition**: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each 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.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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.

Any changes to these components require the express consent of the local planning authority. The scheme 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).

NOTE TO APPLICANT

Water Neutrality

The Applicant is advised that 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 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.

In order to demonstrate water neutrality, 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-horsham-district/regulation-77-conservation-of-habitats-and-species-regulations

Bats

The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, tel: 0345 1300 228, email: equiries@bats.org.uk, web: http://www.bats.org.uk/

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/24/1692
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		Pt 1	30.10.2024
Location plan		Pt 2	30.10.2024
Floor plan		447pe07	30.10.2024
Elevation plan		447pe09	30.10.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 19/12/24

Authorising Officer sign/initial RHERMITAGE Date: 20.12.2024