Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0614
Crays Barn, Crays Lane, Goose Green, West Sussex, RH20 2LR

DESCRIPTION:
Prior Notification for the formation of four 3-bedroom dwellings within the footprint of the existing barn.

RELEVANT PLANNING HISTORY:
None directly relevant to the application site.

There is an extensive planning history on the neighbouring site to the south, including: -

DC/19/1402	Prior approval for the change of use from an agricultural building to (C3 Use class) to form 4no dwellings.	Prior Approval Required and Permitted on 02.09.2019
DC/21/2144	Demolition of 2No. agricultural buildings and the erection of 3No. dwellings (revision of DC/20/1870).	Application Permitted on 03.02.2022
DC/20/1870	Demolition of 2No. agricultural buildings and the erection of 3No. dwellings.	Application Permitted on 18.03.2021
DC/24/1268	Variation of Condition 1 of previously approved application reference DC/21/2144 (Demolition of 2No. agricultural buildings and the erection of 3No. dwellings). Variation to allow amendments to siting, design and form of Plots 1, 2 and 3 and layout of car parking.	Application Refused on 11.11.2024
DC/25/0446	Demolition of 2no. agricultural buildings and the erection of 3no. dwellings.	Under Consideration

And on the adjoining land to the east: -

DC/25/0065	Prior Notification for the erection of an agricultural barn. Formation of a gravel track along the northern boundary edge linking the barn to an existing site access onto a private access road.	Prior Approval Required and Permitted on 07.04.2025

SITE AND SURROUNDINGS:
The application site comprises of an agricultural barn currently which is currently standing largely empty, with a dual pitch, with a concrete block base, vertical cladding and to the south, is another steel framed barn set adjacent to agricultural land to the east, a copse to the west with some trees and which

shares an access with the wider farm site to Crays Lane. The application seeks permission for four dwellinghouses with three bedrooms each. The frame of the structure is steel beams. The proposed elevation plans show a brick base, traditional timber windows, horizontal oak boards and clay roof tiles.

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 four three bedroom dwellings. The applicant has confirmed within their application submission that they would like the assessment to take place with the new Class Q restrictions.

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 in regard to lack of sufficient information of noise/odour impacts, Land Contamination, Proposed Water Supply, Construction Phase.

WSCC Highways: No Objection with advice given

Parish Comments:
Objections raised in relation to the redevelopment of the site.

Representations:
4 objections raised in regard to overdevelopment, noise, design, principle, number of developments.

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
Paragraph W of Part 3 within Schedule 2 of the GPDO sets out the procedure for applications for prior approval (under Part 3) and states:

(11) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

The Local Planning Authority did not notify the applicant as to whether prior approval is given or refused in the required time period. The change of use therefore benefits from deemed consent. This deemed consent relates to the prior approval matters set out in Q.2(1), it does not confirm that the development meets the limitations / criteria set out in Q.1 (a) to (m).

The main issue is therefore whether the change of use, and conversion of the existing agricultural building, to a single dwellinghouse is permitted 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.

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,**

(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.**

It appeared evident from the officer site visit that the building was part of an established agricultural unit but is no longer part of an agricultural unit, with the owners of the barn not engaged within agricultural enterprises. The site was however part of an agricultural unit established prior to the relevant date, as set out in earlier planning reports relating to the site. The barn itself is largely empty, with no evident non-agricultural use. The proposal is considered to comply with (b).

(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 dwellinghouses would be approximately 120sqm.

(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 development, together with any other approved on the (previous) agricultural unit, would consist of four dwellinghouses.

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

No conflict has been identified in respect 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;

No conflict has been identified in respect 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,

The site was formerly part of a unit which encompassed the adjoining land to the east, where a prior notification was submitted for an agricultural barn and access (ref: DC/25/0065). The site is though no longer part of this agricultural unit and at the point of submission and at the time of a site visit no works had taken place in respect of this development under Part 6. There is considered to be no conflict with the above.

(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 submitted plans do not suggest that the dimensions of the building would be increased beyond the existing.

(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 does not include any extension to the building.

(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:

"*The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes 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 allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.*"

The development would not result in conflict with the above, with the building appearing structurally sound and capable of conversion.

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

The barn 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;

There is no identified conflict with the above.

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

There is no identified conflict with the above.

(n) the building is a listed building

There is no identified conflict with the above.

(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 proposed dwellings would each comply with NDSS in respect of square meterage and would have suitable provision for storage space.

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

There is no identified conflict with the above, with the access road connecting to Crays Lane being acceptable in this regard, and hardstanding is present around the proposed dwellings such that can serve the dwellings.

While the development benefits from deemed consent, for completeness an assessment has been made under the prior approval matters set out in Q.2: -

(a) transport and highways impact of the development

No objections to the proposed development in regard to transport and highways concerns, with the WSCC Highways department consultation response raising no objection.

(b) noise impacts of the development

The Council's Environmental Health Team has been consulted on the application, raising concerns relating to the potential impact of noise from agricultural activities on future occupiers. While these concerns are noted, the agricultural activities within the locality would be expected with the resulting relationship similar to that which exists and has been accepted in the immediate vicinity of the site. It is not therefore considered that any undesirable noise impacts would arise.

(c) Contamination risks on the site

Environmental Health has noted that insufficient information has been provided in respect of the potential for ground contamination. The responsibility for safe development rests with the developer, with a note to applicant recommended to ensure that appropriate assessment, and where necessary mitigation, takes place.

(d) flooding risks on the site

The application site is not within a defined flood zone.

(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 barn is sited amongst a small cluster of development along an existing access where there is no evidence to suggest that necessary utilities could not be provided. The siting of the building is not considered to be impractical or undesirable to benefit from the permitted change of use.

(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 external alterations are considered to sufficient retain the existing character of the building, which would continue to read as a former agricultural building.

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

Each of the habitable rooms would be served by a window such that the proposal is acceptable in terms of access to natural light.

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.

Representations

It is noted that a number of representations have been received in respect of the notification. These have been taken into account to the extent possible under this type of application.

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: Deemed Consent in respect of Q.2 (1). The applicant is though advised that prior approval would have been granted had the LPA been in a position to do so.

NOTES TO APPLICANT

Land Contamination
The applicant is advised that the former uses associated with the site have potential to result in contamination risks. It is strongly advised that the development should not proceed until a preliminary risk assessment has been prepared which identifies:

- 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, including soil contamination.

Depending upon the results of this assessment, it may be necessary to carry out an intrusive site investigation scheme, with subsequent remediation measures taking place depending upon the result of the intrusive investigation.

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Plans list for: DC/25/0614
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Roof plan	Proposed	LB-04	14.04.2025
Floor plan	Proposed Ground	LB-05	14.04.2025
Elevation plan	Proposed	LB-06	14.04.2025
Supporting Statement	Water Neutrality	NONE	14.04.2025
Supporting Statement	Borehole record	NONE	14.04.2025
Supporting Statement	Water Neutrality Strategy	NONE	14.04.2025
Location plan		LB-01	14.04.2025
Block plan		LB-02	14.04.2025
Elevation & Floor plan		LB-03	14.04.2025

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 29.07.2025