Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1832
Sake Ride Farm , Wineham Lane, Wineham, West Sussex, BN5 9AG

DESCRIPTION:

Prior Notification for Change of use from an agricultural building to 4 dwellings (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/09/1896	Change of use of two buildings to indoor stables and indoor turn out area, retention of sand school, livery use and amend Condition 7 on Consent SH/10/93 (agricultural occupancy condition) to include a person working in equestrian employment.	Withdrawn
DC/12/0599	Application for certificate of lawfulness relating to non-compliance with condition 7 of consent SH/10/93 (agricultural occupancy condition)	Agreed 19th June 2012
DC/17/0805	To remove pole barn and stables and erection of annexe to Sake Ride Farmhouse, diversion of drive and removal of steel container	Permitted 30/08/2017

SITE AND SURROUNDINGS:

The application site consists of two barns to the west of Wineham Lane which are accessed along a gated shared private access track. Further to the west are open fields and there is a storage container within the site and extensive builders construction materials within the enrivons of the application site.

The southern barn has been recently extended with the extension appearing from the site visit to be an open frame porch. Research of the planning history of the site including pre-application advice from 22.07.2022 indicates that the barn to the south was being used for equestrian purposes at this time. The Planning statement from this submission stated that this barn was used for equestrian purposes for horses owned by family members with a menage area to the east of the barn. At the time of the officer's site visit for the assessment of this current application, the menage had on it a very large horse vehicle stored in this location with the word "Horses" on the front of the van. Furthermore, it was evident that the application site hosted extensive mounds of horse manure and hay within the vicinity.

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 4no. dwellings.

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: Comment

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. In accordance with the recommendations of the Planning Practice Guidance, information is required on these matters and a preliminary risk assessment including a site walkover should be provided to ensure the site can be made safe and suitable for the development.

WSCC Highways: Comment

Change of use from agriculture to residential would result in fewer transport movements throughout the day. The development would require approximately 9 car parking spaces. There appears to be sufficient space within the site to accommodate this with sufficient turning space.

Southern Water: Comment

General advice about connectivity of new public sewerage system to be submitted by Southern Water. Advice for the applicant in the case that sewers are found during construction.

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 buildings to provide buildings under C3 use under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. The application form indicates that the application falls to be considered under the post-May 2024 regulations.

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.

Research into the site history indicates that the agricultural uses of the site have ceased at some point since prior to 2009 with an application submitted under DC/09/1896 which was later withdrawn showing horses within Barn A and a timber building with riding equipment and a horse box within approximately 2 metres from Barn B to the south of it. Both email correspondence and photographic evidence from this application indicate that the agricultural use had ceased and was being used as a livery.

Research of the planning history of the site includes more recent evidence to suggest there is no established agricultural unit including pre-application advice from 22.07.2022 indicating that the barn to the south was being used for equestrian purposes at this time. The Planning statement from this submission stated that this barn was used for equestrian purposes for horses owned by family members with a menage area to the east of the barn. At the time of the officer's site visit for the assessment of this current application, the menage had on it a very large horse vehicle stored in this location with the word "Horses" on the front of the van. Furthermore, it was evident that the application site hosted extensive mounds of horse manure and hay within close proximity to the barn. It was noted during this visit that Barn A had been extended, with wooden timbers being placed to finish construction. Having reviewed the planning history, there does not appear to be any prior approval consent in place for this.

No information has been provided to demonstrate that the 2no. barns subject of the application are associated with a wider agricultural unit, nor has it been demonstrated that the buildings have previously been part of an established agricultural unit.

As above, Barn A and Barn B as indicated on the existing block plan titled EBP rev A do not appear to be part of an agricultural unit currently, with no evidence to demonstrate that these buildings have been part of an agricultural unit previously. As such, the buildings would not benefit from development rights under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

While the development would not benefit from Class Q rights no other conflict within Q.1 has been identified. For completeness the development has also been considered against the prior approval matters set out in Q.2: -

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. Following consultation with WSCC

as the Local Highways Authority, no objection to the proposal has been raised. 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. The proposal is not therefore considered to result in harm to 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.

Paragraph 198 of the NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Given the nature of the proposed use, and the character of the locality, it is not anticipated that the proposal would result in adverse noise impacts.

(c) 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.

No contamination reports have been submitted to support this application. The planning statement states that there are no known contamination risks at the site. This information has been sought by condition.

(d) flooding risks on the site

The site lies outside of any designated 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 application site is located within a countryside location, however it is not considered impractical or undesirable for dwellings in this location when viewed in the context of other built form in residential use. The access is considered acceptable given the rural context and the scale of built form would not be undesirable as to warrant a refusal on this basis.

(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 not be visible from the public realm given that the access is private and there are no close public vantage points from which to view the property. The resulting design of the buildings are though considered to be unduly domestic in character and appearance, with the uniformity in size and layout of the windows considered to detract from the utilitarian character of the rural building. This design and external appearance is not therefore considered sympathetic to the rural character of the existing building and wider surrounding area.

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

There is a minimum of one window per habitable room such that there are no objections in this regard.

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 not comply with all relevant limitations of Class Q. Prior approval is therefore required and refused.

Recommendation: Prior Approval Required and REFUSED

Reasons: -

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the barns subject of this application are part of an established agricultural unit or have previously been part of an established agricultural unit. The development would not therefore be permitted by Class Q, Q.1(a) of Part 3 within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2 The development would be of a design and external appearance that would fail to reflect the characteristics and vernacular of the host building and rural locality. The development would not be permitted by Class Q, Q.2(f) of Part 3 within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Plans list for: DC/24/1832
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Barn B - Elevation As Proposed	PEV2 rev A	26.11.2024
Location plan	Ban A & Barn B Location Plan	LOC1 rev A	26.11.2024
Block plan	Barn A & Barn B - Block Plan As Existing	EBP rev A	26.11.2024
Floor plan	Barn A - Floor Plan As Existing	EFP1 rev A	26.11.2024
Elevation plan	Barn A - Elevations As Existing	EEV1 rev A	26.11.2024
Floor plan	Barn B - Floor Plan As Existing	EFP2 rev A	26.11.2024
Elevation plan	Barn B - Elevations As Existing	EEV2 rev A	26.11.2024
Block plan	Barn A & Barn B - Block Plan As Proposed	PBP rev A	26.11.2024
Floor plan	Barn A - Floor Plan As Proposed	PFP1 rev A	26.11.2024
Roof plan	Barn A - Roof Plan As Proposed	PRF1 rev A	26.11.2024
Elevation plan	Barn A - Elevations As Proposed	PEV1 rev A	26.11.2024
Floor plan	Barn B - Floor Plan As Proposed	PFP2 rev A	26.11.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 20/01/2025

Authorising Officer sign/initial Guy Everest Date: 20.01.2025