Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0720
Lockyers Farm, Polecat Lane, Copsale, West Sussex, RH13 6QR

DESCRIPTION:

Prior Notification for Change of Use of Agricultural Building to 1no. dwellinghouse.

RELEVANT PLANNING HISTORY:

DC/20/0432	Prior approval for change of use of agricultural building to a single dwellinghouse	Prior Approval Required and REFUSED on 24.04.2020
DC/20/0894	Erection of a single storey rear extension.	Application Permitted on 09.07.2020
DC/20/1832	Conversion of existing barn to a single storey dwelling.	Application Refused on 18.11.2020

SITE AND SURROUNDINGS:

The application relates to a barn that forms part of the application site, situated on the western side of Polecat Lane, surrounded by open countryside. The application barn is part of a complex of buildings including a number of address points. During the officer site visit it was noted that there are extensive equestrian facilities, including a sandschool, stables, a larger horse transportation HGVT, and fenced paddocks. It was clearly visible during the site visit that the building kept what appeared to be a sit on lawn mower and was absent of any agricultural equipment.

The overall land holding is around 9.2ha with the paddocks comprising some 8ha. The building is constructed of a steel framed building and is covered with stained timber and corrugated panels (to the southern elevation). The barn hosts a shallow pitched corrugated roof. Eastern elevation of the building faces Polecate Lane which is shared with the equestrian facilities.

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 one dwelling.

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: Advice regarding parking spaces with the development would require there parking spaces however this would not be provided within the red edge. Condition recommended.

Parish Comments:

Objection on the basis of:

- Design
- Highway Access and Parking
- Loss of General Amenity
- Overdevelopment

It was resolved to object to the application as it is contrary to NPPF para 79 and Neighbourhood Plan section 1 and 2. It is not within a walkable distance to a shop (51 minutes) therefore it is not a sustainable location. The building is at the entrance to the equestrian facility and the council queries if there is a large enough area for vehicle movements once entering the site

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 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.

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 appointed agent has sent an email correspondence to outline that there is a satellite picture dated 2021 that would indicate that the surrounding land was used for hay collection. This was however some 4 years ago, with no evidence since that the building or land has been used for agriculture, on the 24th July 2023 or for ten years before that date. Furthermore, the sales particulars from 2014 indicate that the barn was part of the equestrian facilities, along with the remaining paddocks and stables, such that there is no substantive evidence of the owners using the site for an agricultural use since prior to or after this time.

It was not evident during the site visit that the barn was used for agricultural purposes and no evidence has been submitted to the local planning authority to indicate that the building or the land within the red line boundary is used for agriculture. The appointed agent of the applicant has sent in correspondence to suggest that hay is collected from the wider surrounding fields, however there is no evidence to substantiate this, with an absence of sales evidence for the hay, contractors collecting the hay, and no hay stored or agricultural equipment within the site at the time of site visit. Furthermore, a review of

satellite pictures over recent years would not suggest any agricultural activities. It is clear from the planning history of the site that the application site has an equine and residential use, which is evident from previous planning applications. No agricultural activities were evident, however recreational equine use was apparent.

It has not therefore been demonstrated to the satisfaction of the Local Planning Authority that the land and building has been used for purposes falling within a definition of agriculture (S.336, TCPA 1990) and cannot be considered to form part of an established agricultural unit.

(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 approximately 149.7sqm.

(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 proposal would be in accordance to 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;

There is no evidence to indicate 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 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.'

The existing building appears relatively robust and suitable for conversion and the proposal would involve the installation of doors and windows to allow natural daylight into the main habitable rooms, installation of internal walls, insulation to floors, walls and roof. These works 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 for a 4 bed dwelling.

(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 equestrian 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 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.

The proposal would be acceptable in light of paragraph Q.2(b).

(c) Contamination risks on the site

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 196 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.

Given that no information has been submitted and the building proposed by conversion is surrounded by equestrian uses, contamination information would be requested if the application were to have been approved. There is no reason why this would not be able to have been submitted as a pre-commencement 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 NPPG notes that '*impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would not be sensible and realistic, and undesirable reflects that it would be harmful and objectionable'*.

There are residential uses within the locality. The proposed alterations in association with the conversion were considered to maintain the utilitarian character of the building, necessitating changes to its appearance in terms of external materials and fenestrations only.

While the proposal would be within proximity to equestrian facilities, it is recognised that residential uses are nearby. On the balance of these considerations, it is not considered that the proposal would be adversely affected by the nearby uses.

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 are 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 dwelling.

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.

Recommendation: Prior Approval Required and refused

Reasons for refusal:

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the land was used for agricultural purposes on 24th July 2023**,** or ten years prior, and that the building was in agricultural use as part of an established agricultural unit for the purpose of trade or business as set out in Paragraph X of Part 3. The notification therefore does not comply with paragraph Q.1.(a) of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

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/25/0720

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

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Elevations as Existing	152_03	30.04.2025
Floor plan	Plans as Proposed	152_05	30.04.2025
Elevation plan	Elevations as Proposed	152_06	30.04.2025
Location plan	Site Location Plan	152_01	30.04.2025
Block plan	Site Block Plan	152_02	30.04.2025
Floor plan	Plans as Existing	152_03	30.04.2025

DELEGATED

Case Officer sign/initial Hannah Darley Date: 24th June 2025

Authorising Officer sign/initial Tamara Dale Date: 24.06.2025