Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1784
Hook Farm, West Chiltington Lane, Billingshurst, West Sussex, RH14 9DP

DESCRIPTION:
Prior Notification for Change of Use of an Agricultural Building to 1no dwellinghouse (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/24/1689	Conversion of barn and associated modern building into domestic accommodation. Removal of C20 workshop and conversion of outbuilding into ancillary use (Householder).	Pending Consideration
DC/24/1690	Conversion of barn and associated modern building into domestic accommodation. Removal of C20 workshop and conversion of outbuilding into ancillary use. (Listed Building Consent)	Pending Consideration
DC/24/1783	Prior notification for the demolition of Agricultural outbuildings	Prior Approval Not Required on 08.01.2025
BL/134/89	Erection of farm managers cottage Comment: Tq 1148-2550 (From old Planning History)	Application Refused on 09.01.1990
BL/44/71	Extension of existing cattle yard + separate dutch barn Comment: + br (From old Planning History)	Application Permitted on 19.05.1971
BL/25/90	Erection of farm manager's cottage Site: Hook Farm Hook Farm La Off West Chiltington La Barns Green	Application Refused on 09.05.1990
BL/78/96	Continued use of former agricultural building as carpentry workshop Site: Hook Farm West Chiltington Lane Billingshurst	Application Permitted on 11.11.1996
BL/113/96	Prior notification to erect an agricultural building Site: Hook Farm West Chiltington Lane Billingshurst	Withdrawn Application on 16.12.1996
BL/3/97	Erection of a replacement livestock building Site: Hook Farm West Chiltington Lane Billingshurst	Application Permitted on 04.04.1997
BL/28/99	Erection of a barn Site: Land South Of Hook Farm West Chiltington Lane Billingshurst	Application Permitted on 07.07.1999
BL/10/04	Prior notification to erect 2 replacement agricultural implement/tractorr stores	Application Permitted on 18.02.2004

SITE AND SURROUNDINGS:

The agricultural building involved in this application is situated to the east of West Chiltington Lane, within the countryside area of Hook Farm. The building is located within the curtilage of a listed structure and is not subject to any other statutory designations. The site is in a rural setting, predominantly characterized by farms and individually designed dwellings. The barn itself is largely

screened from public view by the mature boundary trees and hedging that surround it. It is used exclusively for agricultural purposes, including the storage of hay and machinery, as part of the wider farm holding.

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 1x dwellinghouse.

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 Conservation and Heritage Officer: No Objection - The distance between the historic farmhouse and historic farm buildings and the existing modern agricultural sheds that sit between them and the building subject of this application means there will be little perception of the residential conversion. A significant impact might be the large amount of glazing on the southern elevation but I defer to your judgment on this.

HDC Environmental Health Officer: More information required: The proposed dwelling's proximity to agricultural and commercial buildings raises concerns about potential noise and disturbance, particularly if activities in these buildings intensify in the future. Additional information is required to demonstrate that the existing and potential uses of these buildings will not adversely impact the amenity of future occupants. Furthermore, the site may be subject to significant contamination risks due to past uses, the storage of hazardous materials, and the construction of yards or hard standings. To address these concerns, a preliminary risk assessment, including a site walkover, is necessary to ensure the site is safe and suitable for development. Finally, while rainwater harvesting is proposed to meet water neutrality requirements, it must be confirmed that the roofing materials used do not contain asbestos or other chemicals that could contaminate the water and interfere with treatment processes.

WSCC Highways: No Objection - Under the General Permitted Development Order (GPDO), the change of use from agricultural to residential (Class C3) is permitted development, subject to prior approval. As part of this process, highway considerations are limited to whether the proposal would result in a material increase or change in the character of traffic in the vicinity. The site, accessed via a private road off West Chiltington Lane (a C-classified road), is unlikely to see an increase in traffic frequency, as residential use typically generates fewer and more predictable movements than agricultural use. The West Sussex County Council Car Parking Demand Calculator indicates a need for three parking spaces, which the site can accommodate with additional space for turning, and the Local Planning Authority may wish to secure cycle parking if deemed appropriate. With no known safety concerns associated with current agricultural traffic, and residential use being less intensive, the proposal is considered acceptable in highway terms.

Parish Comments:
Objection raised on the basis of concerns over water neutrality issues and aesthetics.

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 of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

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

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—
- **(i) on 20th March 2013, or**
- **(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 site which was brought into use after 20th March 2013, 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 Council holds no information suggesting that the building was used for purposes other than agriculture.

b) in the case of—
- **(i) a larger dwellinghouse, within an established agricultural unit—**
  - **(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or**
  - **(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;**

The proposal is considered to meet the requirements of (b) the proposed dwelling house measures at 168.69sqm.

(c) in the case of—
- **(i) a smaller dwellinghouse, within an established agricultural unit—**
  - **(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or**
  - **(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;**

NA

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—
- **(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;**
- **(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;**

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 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;**

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;**

NA

(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;

The existing and proposed footprint would remain unchanged as existing.

(i) 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 proposed development involves building operations under Class Q(b), which allows for changes to agricultural buildings to facilitate their conversion into residential dwellings. According to Paragraph 105 of the Planning Practice Guidance, building operations are permitted as part of the change to residential use, but only to the extent that they are necessary to enable the agricultural building to function as a dwellinghouse.

In this instance, it is important to highlight that the agricultural building under consideration, despite some signs of wear and tear, appears to be structurally sound and capable of supporting residential use without the need for significant new structural elements. The existing structure has been assessed and found to be capable of withstanding the necessary load-bearing requirements that come with the proposed residential use.

The required building operations under Class Q(b) would primarily involve the replacement or installation of essential features such as windows, doors, roofs, and exterior walls, all of which are permitted by the class, provided these operations are "reasonably necessary" to allow the building to function as a dwelling. These works would be relatively straightforward in terms of scope, involving the replacement of existing elements that are either in poor condition or missing, without the need for extensive rebuilding or new structural elements. The works would not constitute a complete reconstruction but rather a limited intervention to improve the building's condition to allow for its residential use.

The replacement of key components such as windows, doors, and external walls would be proportionate and in line with what is permitted under Class Q. These operations would restore the building’s functionality while maintaining its essential structure and form, as required by the guidance in Paragraph 105 of the Planning Practice Guidance. The proposed partial demolition, which would be confined to areas that are structurally unsound, would also be in line with the provisions of Q.1(i)(ii), as it would only address areas necessary for the improvement of the building.

While some of the building’s features may require substantial refurbishment, this does not mean the structure is unfit for conversion. The agricultural building remains fundamentally capable of being converted to residential use, and the proposed building operations are limited and necessary to ensure that the building can serve its new purpose as a dwellinghouse. These operations are within the scope

of what Class Q(b) allows, and therefore the development should be considered appropriate under the permitted development rights provided by the class.

In conclusion, the proposed development complies with the criteria set out under Class Q(b) and the guidance in Paragraph 105 of the Planning Practice Guidance. The building is structurally capable of conversion, and the operations proposed are reasonably necessary to facilitate this conversion, falling within the scope of permitted development under Class Q. Therefore, the application should be approved.

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

The site is not on article 2(3) land.

(k) 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.

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

The site is not and does not contain a scheduled monument.

(m) the building is a listed building

The building is not a listed building, but is within the curtilage of a listed building.

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,

Following consultation with the Local Highways Authority The proposal seeks to convert an agricultural building to a single residential dwelling on a site accessed via a private road and Public Footpath no. 1912_1 off West Chiltington Lane, a C-class road with a national speed limit. Residential use is expected to reduce the intensity of site use compared to agricultural operations, as vehicle movements would be less frequent and likely confined to peak traffic periods.

The WSCC Car Parking Demand Calculator indicates three parking spaces are required for a development of this size, and the site layout appears to accommodate this, along with turning space. The Local Planning Authority (LPA) may consider adding cycle parking requirements.

West Sussex County Council, as the Local Highway Authority (LHA), has noted no highway safety concerns associated with the site's agricultural use and deems the proposed residential use less intensive. The GPDO limits the scope of highway considerations, and the proposal is deemed acceptable in highway terms.

(b) noise impacts of the development,

Paragraph 187(e) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing 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 further emphasizes that planning decisions should ensure new development is appropriate for its location, considering the likely effects, including

cumulative impacts, of pollution on health, living conditions, and the natural environment. It also highlights the importance of accounting for the sensitivity of the site and its wider area to potential impacts from the development. In doing so, planning decisions should mitigate and minimize potential adverse noise impacts from new development and avoid noise that causes significant adverse effects on health and quality of life.

The proposed change of use is not anticipated to adversely contribute to surrounding noise impacts to nearby receptors over and above the existing agricultural operation on the site. However, the existing use may well impact on the new dwelling as a receptor from existing noise (further assessed in (e) below).

(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. Should the development be considered acceptable, this could be addressed through an appropriately worded condition in the event that prior approval consent is to be granted.

(d) flooding risks on the site,

The proposed development is located outside any designated flood risk areas; therefore, flooding is not a concern. Additionally, the potential impacts related to flooding would be no greater than those associated with the site's existing agricultural use. As a result, no remediation measures are proposed or necessary.

(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

Although the applicant intends to demolish several buildings in the vicinity of the proposed development and has received permission under prior approval application DC/24/1783, the subject building remains in close proximity to existing agricultural buildings. The current arrangement of these buildings offers limited mitigation against noise impacts. Future occupiers of the dwelling would have no control over the use of nearby buildings or operations in the area that could adversely affect their residential amenity. Moreover, there is no information provided with the application detailing how these potential impacts could be mitigated. Therefore, despite the demolition plan, the location and siting of the building still make it undesirable for the building to change use to a residential dwelling by way of noise impact from the existing continued 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 existing building is of limited aesthetic or visual merit. While the resulting building would appear relatively uniform and domestic in appearance, the proposed design is considered to sufficiently reflect the existing character and appearance of the host building, and no objections are raised to the design.

the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Part X of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 defines “curtilage” for the purposes of Class Q as:

“the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser”

The proposed residential curtilage, as indicated by the red outline on the Location Plan, would be no greater than the land occupied by the agricultural building.

Paragraph 9A of Article 3 Schedule 2 states that "Schedule 2 does not grant the permission for, or authorise any development of, any new dwellinghouse –

(a) Where the gross internal floor area is less than 37 square metres in size; or

(b) That does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(1)."

The proposal would comply with the above.

Other Matters

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.

Recommendation: Prior Approval Required and REFUSED

Reason for Refusal:

1 There is the potential for the future occupiers of the dwelling to be adversely impacted by the existing activities undertaken on the wider site by reason of noise and general disturbance associated with these activities. On the basis of the available information it is considered that the noise impacts of the development and siting of the building makes it undesirable to change to residential uses, contrary to the requirement of Q.2 (1)(e) of Part 3, Class Q of the Town & 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/24/1784
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Planning Statement	NONE	18.11.2024
Supporting Docs	Water Neutrality Report and Water Management Plan	NONE	18.11.2024
Block plan	Proposed	2405HK_R0_001 REV 000	18.11.2024
Location plan		2405HK_R0_000 REV 000	18.11.2024
Elevation plan	Proposed	2405HK_R0_200 REV 000	18.11.2024
Elevation plan	Existing	2405HK_R0_101 REV 000	18.11.2024
Floor plan	Existing and Proposed	2405HK_R0_100 REV 000	18.11.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 10.01.2025

Authorising Officer sign/initial RHERMITAGE Date: 10.01.2025