Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0232
Mill Farm , Mill Lane, Itchingfield, West Sussex, RH13 0NP

DESCRIPTION:

Prior Notification for Change of Use of two buildings with associated operational development to 1no. dwellinghouse. Operational development includes replacement wall and roof cladding, rendering, walls, doors and rainwater goods.

RELEVANT PLANNING HISTORY:

DC/19/0508	Demolition of existing dwelling and erection of replacement single storey dwelling with associated landscaping.	Application Permitted on 25.06.2019
DC/19/1984	Demolition of existing dwelling and erection of a dwelling with associated landscaping.	Application Permitted on 11.12.2019
DC/21/2075	Prior Notification for the change of use of an agricultural building to a single dwellinghouse (C3).	Prior Approval Required and PERMITTED on 12.11.2021
DC/21/2236	Change of use of land to form enlarged residential curtilage and installation of an open air swimming pool.	Application Permitted on 20.05.2022
DC/23/0460	Demolition of an agricultural building and the erection of a two-storey dwelling (as an alternative to prior approval reference DC/21/2075).	Application Permitted on 02.05.2024
DC/24/1456	Prior Notification for Change of Use of Agricultural Building to form one dwellinghouse.	Prior Approval Required and REFUSED on 22.11.2024
DC/24/1475	Prior Notification for Change of use of building to form a single dwelling. Installation of windows, doors, a mezzanine floor and drainpipes/guttering. Replacement cladding to walls and roof.	Prior Approval Required and REFUSED on 18.11.2024
DC/24/1831	Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse.	Prior Approval Required and PERMITTED on 20.01.2025

DETAILED DESCRIPTION:

This notification seeks prior approval under Part 3 of Schedule 2, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 to form a single dwellinghouse at Mill Farm, Mill Lane, Itchingfield, West Sussex, RH13 0NP.

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: Comment (In Full): -

'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.

Note that the application for the adjoining building, DC/24/1831, has been approved with a condition relating to contamination risks. If this approach is also adopted for this application a condition should be applied requiring a submission of a contamination verification plan'

WSCC Highways: Advice (Summary): -

'In summary, the movements associated with agricultural use have done so safely with no known safety highways concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. The prior approval is therefore considered acceptable in highway terms.'

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 agricultural buildings 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—

(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 (dwellinghouse) 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.

Through photos submitted in support of this application and the submitted Planning Statement, both the existing workshop and store are currently used for domestic storage purposes. The Planning Statement submitted to this application states that "*the application buildings have historically been used for the storage of tools and as a workshop.*" It also confirms that "Mill Farm extends to 14.17 hectares and comprises mainly arable land used for growing hay which produces a yield annually of approximately 1000 bales."

The Council have no evidence to suggest that the site and subject building have not been associated with agricultural activities, and there is no reason to suggest that the development would be contrary to Q(a)(i).

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 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,

(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

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 Class Q permitted development rights was updated in May 2024, with the ten-year clock reset to 24 July 2023. A site visit was carried out by a Planning Officer during the last Prior Notification application DC/24/1456. Along with photos submitted to this application, it appears that the buildings are currently being used for domestic storage purposes.

The planning statement states that "*The application buildings have historically been used for the storage of tools and as a workshop."* As stated previously while it appears the building is not fully within agricultural use itself, it is, however, within the boundaries (indicated in blue lines) of Mill Farm. Being within the blue line boundary of Mill Farm, which is within agricultural use, indicates the site would be part of an established agricultural unit.

Aerial imaging indicates the building has been in place since at least December 2001.

On the basis of the above, it is therefore considered that the proposal would adhere to the above criteria as part of an established agricultural unit, and it is considered that the limits at Q.1(a) or (b) are not exceeded in this instance.

(c) the floor space of any dwellinghouse under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to Use Classes Order exceeds 150 square metres,

The proposed floor space would be 55.2 square metres according to the Planning Statement and proposed plans (*D980/06C)* submitted to this Prior Notification application.

From measurements carried out with the proposed plans *D980/06C*, it has been measured that the internal floor space (including partitions) would be approximately 56.3 square metres. This shows a slight discrepancy of approximately a square metre, however, the limits at Q.1(c) are not exceeded as the proposed floor space would not exceed 150 square metres.

(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,

Agricultural buildings in the agricultural unit of Mill Farm, including the adjacent Pole Barn, have received approvals to be converted to Class C3 dwellinghouses. However, the total number of Class C3 dwellinghouses within the agricultural unit of Mill Farm does not exceed 10, nor would the cumulative floor space of C3 dwellinghouses within the unit exceed 1,000 square metres.

On the basis of the above, it is therefore considered that the proposal would adhere to the above criteria, and it is considered that the limits at Q.1(a) are not exceeded in this instance.

(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 not occupied under an agricultural tenancy.

(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;

Paragraph 4.11 of the Planning Statement confirms "*The site is not subject to an agricultural tenancy and one has not been terminated within the last 12 months*".

(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,

Paragraph 4.12 of the Planning Statement confirms that no development under Class A or Class B of Part 6 has been carried out in the last 10 years.

(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),

Building operations to extend the eaves and maximum height by 0.2m or below are proposed. According to the submitted plans and elevations, both the width and depth of the proposed dwelling would also increase by an additional 0.4 metres, with the increase being 0.2 metre in wall thickness on each side of the proposed building. This is considered in accordance with Q.1(h)(ii) and Q.1(j)(i).

(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 submitted plans suggest that works would take place to adjoin the two existing buildings, where this would be achieved by extending the existing side elevations of both buildings. This would result in extensions beyond a wall that forms a side or principal elevation of the existing building, where this would fail to comply with the requirements of Q.1(i)(ii), Q.1(i)(vi) and Q.1(h)(i).

(j) the development under Class Q(c) 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(j)(i)

Paragraph 105 of the Planning Practice Guidance in relation to building operations states the following: *'Building works are allowed under the right permitted agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. 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 application has been accompanied by a Structural Survey which concluded that the buildings are structurally sound and capable of conversion.

The proposal would be constructed by a merger of two existing buildings. Paragraph 4.16 of the Planning Statement states that the existing gap between the two buildings would be connected by replacement wall cladding, as well as replacement sheeting to pitched section of the roof to extend over the existing gap between the buildings. Additionally, paragraph 4.17 states that "*all structural elements will be retained"*, and Section 3 of the submitted structural report continues to clarify that "*there is no need for new structural elements to tie the two buildings together.*"

However, in order to link two buildings together as well as a demolition of the existing side walls to form a bathroom and hallway with new internal partitions, according to the proposed elevations (*D980/07C*), a roof joist would be installed to connect the two buildings. Roof joists are considered building operations and even though building operations for the installation or replacement of roof are permitted, the proposed roof joist would act as a structural support for the linkage of the two existing buildings.

It is therefore considered that the proposal fails to demonstrate, to the satisfaction of the Local Planning Authority, that the building is capable of conversion without the construction of new structural elements and that the proposed building operations are reasonably necessary for the building to function as a dwellinghouse permitted by Class Q. The proposal would go beyond the extent reasonably necessary to carryout building operations allowed by Q.1(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, and does not form part of these designated areas.

(m) the site is, or contains, a schedule monument,

The site is not and does not contain a schedule 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 proposed dwelling would be a single-storey one-bedroom dwelling with two bedspaces. The proposed double bedroom would have a floor area in excess of 11.5 square metres with width of more than 2.75 metres, and the gross internal floor area would be more than 50 square metres.

The southern section of the flat-roofed part of the proposed dwelling would consist of a floor to ceiling height of less than 2.3 metres. However, more than 75% of the Gross Internal Area would consist of a floor to ceiling height of at least 2.3 metres.

There is no provision of built-in storage, however, the proposed internal layout and floor area would allow sufficient storage space of at least 1.5 square metres, while at the same time the gross internal floor area would not fall under the 50 square-metre threshold required under the Nationally Described Space Standards.

The proposed dwellinghouse would therefore provide adequate living and storage space in accordance with nationally described space standards.

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

The proposal is considered to be acceptable on highway grounds following consultation response from the WSCC Highways, the Local Highways Authority.

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), 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 existing access to the public highway. Following consultation with WSCC Highways, no objection was raised against this proposal. No traffic flow has been provided within the application, but the LHA recognises that a change to residential use would result in a reduction in material use at the site, and the frequency is unlikely to exceed that of the potential of the current use.

No parking spaces have been proposed at the site, however, the red line boundary of the proposed dwellinghouse would be able to accommodate at least two vehicles.

The proposal is therefore not 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 2024 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, noise pollution or land instability.

Paragraph 198 of the NPPF (2024) requires development to be 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. In doing so they should: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The subject buildings are located in close proximity to the existing access road, within a cluster of existing buildings, including residential buildings and other buildings with extant permission to be converted into residential dwellings. Open countryside is located to the east and south of the site. An additional dwelling is not expected to cause any significant additional noise impacts which would result in demonstrable harm to the amenities of the surrounding residential properties.

(c) contamination risks on the site,

Commercial and agricultural buildings and land can be subject to contamination risks arising from their existing and / or previous uses, 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, apart from the statement in the planning statement that there are no known contamination issues at the site. Should the application be considered acceptable, conditions would be imposed to ensure any possible contamination risks are identified and remediated.

(d) flooding risks on the site,

The site is not within a flood risk 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 Schedule 1 to the Use Classes Order,

The application site is located within a cluster of buildings in Mill Farm. Considering the distance between these buildings, it is not considered that an unacceptable level of overlooking would result.

The main agricultural use of Mill Farm is for the growing of hay. Along with adjacent agricultural buildings having extant permissions to convert to dwellinghouses, the location and siting of the subject buildings can be accommodated to a change to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order.

(f) the design or external appearance of the building, and

The proposed conversion would utilise existing openings, with the creation of new openings within the buildings. The proposed elevations illustrate that the external appearance of the front elevation would be retained as far as possible. The proposed material palette is deemed appropriate to a rural setting and would reflect the existing utilitarian character and its surrounding. No objections are raised in this regard.

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

Each habitable room will be served by a window to provide natural light and ventilation into the dwelling. The proposal is therefore considered to meet the requirements of (g).

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	56.3	55.2	1.1
		Total Gain	
		Total Demolition	

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Prior Approval Required and REFUSED

Reason(s) for Refusal:

1. The proposed development would result in an extension to the building to adjoin the detached adjacent building to the west. This would result in an extension that is not sited to the rear of the existing building and would extend beyond a wall that forms a side elevation of the existing dwelling. The proposal therefore fails to comply with the requirements of Q.1(h)(i), Q.1(i)(ii), and Q.1(i)(vi) in Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The proposal fails to demonstrate to the satisfaction of the Local Planning Authority that the building is capable of conversion without the construction of new structural elements and that the proposed building operations are reasonably necessary for the building to function as a dwellinghouse. The proposal therefore fails to comply with the requirements of Q.1(j) in Class Q of Part 3, Schedule 2 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.

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

Plan Type	Description	Drawing Number	Received Date

Location plan	Location Plan	D966/01A	14.02.2025
Block plan	Existing Block Plan	D966/02A	14.02.2025
Block plan	Proposed Block Plan	D966/03A	14.02.2025
Floor plan	Existing Plans	D980/04A	14.02.2025
Elevation plan	Existing Elevations	D980/05A	14.02.2025
Floor plan	Proposed Plans	D980/06C	14.02.2025
Elevation plan	Proposed Elevations	D980/07C	14.02.2025
Plans	Access	NONE	14.02.2025

DELEGATED

Case Officer sign/initial Joshua Lee Date: 03.04.2025

Authorising Officer sign/initial Tamara Dale Date: 09.04.2025