Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1801
Barn To The East of Coolham Road, Coolham Road, Coolham, West Sussex, RH13 8QD

DESCRIPTION:
Prior Notification for Change of Use of an Agricultural Building with associated operational development to 2no dwellinghouses (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/22/0024	Prior Notification for the change of use of an agricultural building to residential (Class C3) to form 2no. dwellings with associated operational development.	Prior Approval Required and PERMITTED on 23.02.2022
DC/19/0340	Prior approval for change of use of existing agricultural building to a single dwellinghouse	Prior Approval Required and PERMITTED on 09.04.2019
DISC/23/0114	Approval of details reserved by condition 1 and 2 to approved application DC/22/0024	Application Permitted on 10.11.2023
DC/23/1151	Demolition of an agricultural building and the erection of two dwellings	Application Refused on 01.03.2024
HRA/23/0015	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval reference DC/22/0024	Agreement finalised 17.11.2023

SITE AND SURROUNDINGS:
The application site comprises a steel portal barn set some 250m south of the hamlet of Coolham, in open countryside. The barn is isolated from any other associated farm structures and lies within pasture land currently in use for sheep grazing. There are numerous neighbouring residential properties within 300m of the site.

A sewage works building is located some 87m to the north-west of the site with a foul water pumping station located some 200m to the west, and with treated effluent sewer pipes running to the east along the track / bridleway before discharging into the River Adur some 540m to the north-east of the site.

Although close to the sewage works, the River Adur and a large pond to the north-east, the site is not located within a designated flood zone. An access track which also serves as a public right of way / bridleway, leads directly across the northern side of the site, and provides vehicular access to the public highway and a number of adjacent land / fields. Adjacent fields are in agricultural use and a number of farm properties are located around the site.

There is planning history with the application site with the most recent Class Q approved under reference DC/22/0024. Prior to this, another class Q application was approved under DC/19/0340. Since the last Class Q under DC/22/0024 a HRA was agreed under HRA/23/0015 and the details of conditions 1 and 2 of DC/22/0024 were approved under DISC/23/0114.

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 to convert the existing steel- framed barn into two semi- detached self- contained dwellings each comprising of three bedrooms, a kitchen diner, siting room, bathroom, bootroom and utility room. The barn is in use for agricultural storage and seasonal livestock housing. Since the granting of the previous application, the design has changed by altering the floorplans to include accommodation on the first floor and a canopy to the front section of the dwellings.

An odour assessment has been submitted with the previous application to assess the impact of the proposed conversion in light of its proximity to the nearby Waste Water treatment works, some 80m to the north-west. A contamination survey has been submitted to detail low potential contamination within the application site.

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: No objection, conditions recommended.

WSCC Highways: No Objection. The change of use from agricultural to residential would generate a reduction in material use at the application site. The nature of the trips would change however the frequency would not exceed current us. Visibility splays have been demonstrated at the existing point of access on Thakeham road. 5 parking spaces would be required for the proposed development.

Parish Comments:
None received.

Representations:
Five representations have been received (from four individual addresses) objecting for the following reasons: -

- Design
- Highway Access and Parking
- No existing mains or utilities on the site
- Harm to character of the land which is a WWII airfield
- The northern part of the site would interfere with the public Bridleway
- Flood risk, the bridleway becomes wet and muddy when raining and flows to the B2139 and properties with the proposal presumed to exacerbate this problem
- The noise and odour problems given that the sewage treatment works nearby is in constant use
- Concern over appeal history

N.B. The above representations have been taken into account insofar as they are relevant to the prior approval considerations.

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 two dwellings under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. An option has been selected on the application form submitted to detail that the application should be assessed under the Class Q permitted development rights prior to May 2024.

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.

It is evident from the context and appearance of the barn that it has been in agricultural use. Planning history indicates that the barn was still in agricultural use recently and there is no evidence to contradict that the building was not in agricultural use on the specified date.

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 development would create two larger dwellinghouses, and the existing building would have a floor space of less than 465 square metres.

(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;

The scheme would not create smaller dwellings.

(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 development would provide floor space at ground and first floor levels. The applicant's calculation of floorspace excludes an open sided ground floor canopy, in addition to floor space within the eaves and first floor balconies. The open side canopies and balconies represent sizeable features of the dwelling and are considered to represent more than simple covered areas, capable of meaningful use. It is considered that these elements of the scheme would count toward the floor space of each dwelling and should therefore be taken into account in the calculation of the square meterage. Once these elements are included, the larger dwellinghouses would have more than 465 square metres of floorspace, which would go beyond that permitted by (d)(i).

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

(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;

From research of the planning history of the application site, the occupation of the building is not under an agricultural tenancy and the occupation is done under an informal basis. The proposal is considered to meet the requirements of (e) and (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;

No works under Class A(a) of B(a) of Part 6 has taken place on the agricultural unit since the relevant date.

(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 proposed development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. All proposed windows and doors will sit flush with the existing elevations and no extensions are proposed. The proposal is considered to meet the requirements of (h).

(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 right permitting agricultural buildings to change to residential use. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.*"

As per the previous officer's report pertaining to this building, the agricultural barn to which this application relates is a reasonably modern construction of steel framing, which appears to be sound and solid. The works that would be required for the conversion would be reasonably necessary thus complying with the limitations of Class Q.

(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

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,

The proposal would utilise the existing access to the public highway. Following consultation with WSCC Highways as the Highways Authority, no objection to the proposal has been raised. The proposal is not considered to result in harm to the function or safety of the public highway network. . It is also noted that any small increase in movements associated with the conversion of the barn, these would not be to the detriment of highway safety.

(b) noise impacts of the development,

Paragraph 109 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 123 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.'

The addition of two dwellings to the site will not cause a significant increase in noise generated from the site. There are no uses nearby which could be bothersome to future occupiers of the dwellings.

(c) Contamination risks on the site

Paragraph 109 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.

The proximity of the site to a sewage treatment works was previously raised and has recently been raised at a nearby application site. The previous Prior Notification was supported by way of an odour assessment report which concluded that any odour from the neighbouring sewage works is unlikely to significantly impact on the amenity of future occupants.

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.

Environmental Health have been consulted during the course of the application and have raised no objections to the proposal subject to the inclusion of relevant worded conditions. An odour assessment has been carried out and submitted as part of the planning application following the granting of the previous prior notification on site. DISC/23/0114 included an updated Odour appraisal and details were agreed by Southern water. These details would be included as a regulatory condition. Subject to the inclusion of these conditions the proposal would be in accordance to the above criteria.

(d) flooding risks on the site,

As per the previous application, the site is not within a defined flood zone. A small part of the access route onto the main road does fall within flood zone 3. It is not considered that the proposed development would increase the risk of flooding.

(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,

As noted as part of a preceding prior approval on the site, adjacent neighbouring properties are sited some 140m to the north-west and north of the sewage treatment works, and some 240m to the south-west of the works, whilst the application site is some 87m south-east of the works. An Odour Assessment has been provided which determined that levels would be significantly within relevant standards, such that the relationship between the dwellings and works would be considered acceptable. There are no reasons to take a different view.

(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.

Although the barn lies in an open area of pasture lands which would be visible from public vantage points, particularly public bridleways the dwellings would sit within the context of the existing barn such that the conversion would not have an unacceptable appearance on the character of the area. The inclusion of accommodation at first floor level would result in a more urban appearance than the current barn but given that it is within the existing building would not be to such an extent that it would significantly alter the character of the building. The proposed design and external appearance of the building is therefore considered acceptable.

Recommendation: Prior Approval Refused

Reason for refusal:

1. The development would create two larger dwellinghouses having more than 465 square metres of floor space. The development would not therefore be permitted by Class Q, Q.1(d)(i) of Part 3 within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Plans list for: DC/24/1801
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	Existing and Roof	139_01	20.11.2024
Elevation & Floor plan		139_02	20.11.2024
Location plan		139_03	20.11.2024

Block plan		139_04	20.11.2024
Plans	Visibility Splays	2311062-01	20.11.2024
Supporting Docs	Odour Assessment	NONE	20.11.2024
Supporting Docs	Odour Appraisal	NONE	20.11.2024
Supporting Docs	Planning Statement	NONE	20.11.2024
Supporting Docs	Preliminary Risk Assessment	20230104P1	20.11.2024