Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0925
New Barn Farm, Bolney Road, Cowfold, Horsham, West Sussex, RH13 8AZ

DESCRIPTION:
Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse

RELEVANT PLANNING HISTORY:

DC/21/2817	Conversion of barn to a three-bedroom single storey dwelling.	Application Refused on 22.04.2022.
DC/22/1750	Prior Notification for change of use of an agricultural building to residential (Use Class C3) to form 1no dwellinghouse.	Prior Approval Required and PERMITTED on 10.11.2022.
DC/22/1929	Prior Notification for the demolition of 1 x steel framed barn and 1 x timber framed barn.	Prior Approval Not Required on 04.11.2022.
HRA/23/0013	Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval reference DC/22/1750	Application Permitted on 01.11.2023.
DISC/23/0113	Approval of details reserved by condition 1 to approved application DC/22/1750	Application Permitted on 06.11.2023.
DC/23/1335	Conversion of a former agricultural building to form a holiday let	Application Refused on 15.05.2024.
DISC/23/0265	Approval of details reserved by condition 2 to approved application DC/22/1750	Application Permitted on 27.02.2024.

SITES AND SURROUNDINGS:

The site is located outside the built-up area boundary, situated to the north of Bolney Road (A272). The site comprise a collection of farm buildings situated to the west of the residential dwelling, New Barn Farm. The surrounding area is rural in character with a mixture of grassed agricultural land surrounding the site which is bound by mature hedgerows and trees. There is an area of woodland located directly to the west of the site.

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 1no. residential 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 Environmental Health: Comment

Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards, and hard standings.

To ensure the application is properly determined a preliminary risk assessment should be provided to ensure the application is properly determined.

Information with respect to water neutrality is also required.

WSCC Highways: Comment

This application seeks prior approval for the change of use from agricultural building to residential to form a one-bedroom dwelling (C3 Use). The site is located on Bolney Road, an A-classified road subject to national speed limit in this location.

WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for application DC/22/1750, raising no highway safety concerns. The Local Planning Authority (LPA) permitted the application.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from agricultural to residential (Class C3) subject first to prior approval being granted. As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport. However, the GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

Generally, the change of use from agricultural to residential dwelling would generate a reduction in material use at the site. The existing use would create a certain number of movements throughout the day, whereas the movements associated with residential use would be anticipated within network peaks. Therefore, although the nature of trips would change, the frequency would likely not exceed that of the potential of the current use.

From inspection of local mapping, there are no apparent visibility issues at the existing access point onto Bolney Road. An inspection of collision data supplied to WSCC by Sussex Police over a period the past five years reveals there have been no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least two car parking spaces. From inspection of the plans, there appears to be sufficient space within the site for this parking demand to be accommodated. There is also space for on-site turning to be achievable, allowing vehicles to exit the site in a forward gear.

The applicant has not provided details of cycle parking provision. However, the LHA acknowledge the rural location whereby cycling may not always be a viable option. If the Planning Authority believes cycle parking is justifiable, the applicant should demonstrate this in the form of covered and lockable cycle storage.

In summary, the movements associated with agriculture 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. In principle, the current

GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. 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 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**

- **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,**

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 right was updated in May 2024, with the ten year clock reset to 24th July 2023. The application building was part of an established agricultural unit on 24th July 2023. The planning statement states that the building was historically used as a chicken storage shed by the previous owners up to 2010. The applicant has owned the site since 2013. Since the applicant's ownership, the building has been used to store farm equipment used to manage the surrounding land used to produce hay. The land is used by a local farmer to cut hay on the surrounding land. On the basis of this information, it is considered that the barn has been on an established agricultural unit that has existed for at least 10 years, and was on the 24th July 2023.

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.

(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.**

The planning statement states that the application site is part of an agricultural unit and is used by a local farmer to cut hay on the surrounding land. On the basis of this information, the proposal is therefore considered to meet the requirements of (b)

(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,

One dwellinghouse is being development under Class Q, with the resultant floor space of 75sqm which would not exceed 150sqm. Another Class Q consent (DC/22/1750) was granted on the site under the previous Class Q criteria, which has a GIA of 148 sqm. The proposal is considered to meet the requirements of (c).

(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 total number of dwellings provided within the agricultural unit would be two, one being approved under application DC/22/1750 and one subject of this application. The cumulative floor space would not exceed 1,000 sqm, with the permitted dwelling and proposed dwelling totalling 223 sqm in total. 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 during the period which is 10 years before the date development under Class Q began -

From a review of the planning history, no development under Classes A(a) or B(a) of Part 6 have taken place. The proposal is therefore considered to meet the requirements of (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 being extended.

(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 proposal does not propose any extension to the existing building, all works will be confined within the existing footprint. The proposal is considered to meet the requirements of (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 application has not been accompanied by a structural survey. Whilst no structural survey has been provided, during a site visit, the building's structure was assessed and it was considered limited works would be needed to convert the building into the residential use. The structure has a wooden clad exterior and a galvanised metal sheet roof. All the structural elements will be retained but the galvanised roof will be renewed. Windows are proposed on each elevation, to varying levels of glazing, with more on the south elevation. Doors are also proposed on the east and north elevations. Internal walls and floors would be installed as well as insultation to the floors, walls, and roof. The external structure would remain the same dimensions as existing, and there is no evidence that the building is unsuitable for conversion in its current state.

While recognised that the proposed conversion would involve some alterations to some of the structural fabric of the building, the subject building would appear capable of conversion in its own right. The measures are not considered to be of such degree to amount to a rebuild, and the required works are therefore considered to be reasonably necessary to convert the building.

(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 building measures 75sqm which would meet and exceed the nationally described space standards for a one-bedroom dwelling with the additional provision of internal built-in storage. The dwelling would therefore provide adequate living and storage space in accordance with national space standards.

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

The site is accessed off Bolney Road (A272) which is a public highway, and the existing access is suitable to serve an additional residential dwelling.

Conditions

Q.2— (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impact of the development,

The proposal would utilise an existing access to the public highway. Following consultation with WSCC Highways as the Highway 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.

(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.'

It is noted that there are no current agricultural land uses remaining on site. The subject buildings are located within a number of previously agricultural buildings, and residential buildings, with the wider surroundings characterised by residential and open countryside. The planning statement also states that there are no uses nearby which could be bothersome to future occupiers of the dwelling, as the only agricultural activity now undertaken is hay production, which is cut once a year. Given this context, it is not considered that the proposed development itself would result in demonstrable harm to the amenities of surrounding residential properties.

(c) Contamination risks on the site,

Commercial and agricultural buildings and land can be subject to significant contamination risks arising from their use, previous land 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. Risks arising from the use therefore require evaluation by the applicant.

No contamination reports have been submitted to support this application. The planning statement does not believe the site to have any contamination issues, although further investigation could be undertaken. It is however considered that this additional information can be secured by way of condition which would be considered sufficient to render the development acceptable in relation to Q.2(1)(c).

(d) flooding risks on the site,

The site lies outside any area subject to flood risk. No concerns in respect of flooding are therefore raised.

(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

The subject building is located in close proximity to an existing residential dwelling and to existing outbuildings on the farm which are domestic in character. Previous applications on site have permitted the conversion of an agricultural barn to residential use (DC/22/1750), as well as the demolition of other agricultural barns (DC/22/1929). There are no active farm buildings in the vicinity, and agricultural use has ceased on site. The wider surroundings are characterised by sporadic residential development, with fields surrounding the site. Given this context, the residential conversion is generally considered commensurate to the surrounding uses, and acceptable in this regard.

Environmental Health were consulted and concluded that agricultural buildings can be subject to significant contamination risks arising from their uses, construction and storage of machinery equipment fuels or other chemicals. And potentially hazardous materials may also be incorporated in made ground, yards, and hard standings. Information is required on these matters through a preliminary risk assessment. It is considered that these can be addressed through a condition.

The site is not affected by any statutory or non-statutory landscape, biodiversity, or heritage designation. The location of the site, near to existing residential buildings, would be suitable and would have limited impact on neighbouring occupiers in relation to Q.2 (1)(e) given the separation to dwellings within the surrounding area.

(f) the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The proposed conversion of the building would utilise the existing openings, with the creation of limited new openings within the building. The proposed elevations illustrate that the external appearance of the building 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 therefore raised in regard to design or external appearance.

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

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

In conclusion, the Council considers that the proposal would comply with the criteria under the Order as set out above.

Others 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 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 could not 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 comply with all relevant limitations of Class Q, with no individual considerations which would warrant the refusal of prior approval, subject to the conditions listed below.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

1 **Pre-Commencement Condition**: No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:
   a. all previous uses
   b. potential contaminants associated with those uses
   c. a conceptual model of the site indicating sources, pathways, and receptors
   d. Potentially unacceptable risks arising from contamination at the site.

   The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

   The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

   Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

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/24/0925
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		101_300	17.06.2024
Block plan		101_301	17.06.2024
Site plan	As existing and proposed	101_302	17.06.2024
Elevation & Floor plan	Roof, and Section, as existing	101_303	17.06.2024
Elevation & Floor plan	Roof, and Section, as proposed	101_304	17.06.2024
Supporting Statement	Planning	NONE	17.06.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 06.08.2024

Authorising Officer sign/initial RHERMITAGE Date: 13.08.2024