Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0126
Westons Farm, Dorking Road, Warnham, West Sussex,

DESCRIPTION:
Prior Notification for the change of use of agricultural buildings (units 1, 3, 5 and 7) into 5 residential dwellings with associated operational development.

RELEVANT PLANNING HISTORY:

DC/24/1819	Prior Notification for Change of Use of 4 Agricultural Buildings to 5no. dwellinghouses (C3 Use Class)	Prior Approval Required and REFUSED on 16.01.2025
DC/24/1771	Prior Notification for the demolition of seven buildings	Prior Approval Not Required on 12.12.2024
DC/20/1812	Prior notification for the creation, alteration and maintenance of private ways for agricultural or forestry use.	Prior Approval Required and PERMITTED on 16.02.2021.

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 2-bedroom dwelling, 2no 4-bedroom dwellings and a pair (2) of semi-detached 3-bedroom dwellings; forming 5 residential dwellings.

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: Comment
This appears to be the same proposal as DC/24/1819. I remain satisfied the surviving buildings on the site do not form part of the listed building, Westons Place.

HDC Environmental Health: Comment
The application proposes to introduce dwellings in immediate proximity to a yard and buildings that may be still in agricultural or commercial use. There is no restriction to prevent buildings in the vicinity of the proposed dwellings being used more intensely than at present. Such an intensification in activity could generate noise and disturbance that may adversely impact the amenity of the proposed dwellings.

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.

Information with respect to water neutrality should also be provided.

WSCC Highways: Comment
The LHA previously provided consultation advice for this site for application DC/24/1819, raising no highway safety concerns. This Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from agricultural to residential 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.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals two recorded collisions within the vicinity of the site. However, these were not attributed to the use of the site access or site operation. Therefore, there is no evidence to suggest the site access has been operating unsafely, or that its continued use would exacerbate an existing safety concern.

The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require thirteen car parking spaces. From inspection of the plans, there appears to be space within the site to accommodate this parking demand, with space for on-site turning to be achievable. The LPA may wish to secure cycle parking provision if they deem it appropriate to do so.

In summary, the movements associated with agriculture have done so safely with no known safety highways concerns, and residential uses are considered less intensive. WSSC 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:
No Objection.

Representations:
1 representation was received which objected to the proposal:

- Impact on listed building
- Impact on residents
- Impact on Ecology

- Precedent for development
- Contradiction to previous demolition application (DC/24/1771)
- Amenity/Character Impacts
- Buildings do not form part of current established agricultural unit.

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.

It is noted that a prior notification application was refused at the site, for a similar scheme (ref: DC/24/1819). The refusal reason was due the design and external appearance which would fail to reflect characteristics of the host building and rural locality. The proposed scheme is therefore a resubmission.

Permitted development:

Q. Development consisting of—

(a) a change of use –
- **(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or**
- **(ii) a former agricultural building that was (but no longer) part of an established agricultural unit and any land within that building's curtilage**

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

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

Prior approval consent is sought to convert the existing agricultural building into 5 dwellings under Q(a) as above.

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 planning application states that the application buildings were part of an established agricultural unit on the 24th July 2023. The application buildings have been part of the Warnham Park Estate for over 100 years and were historically used as a pig feed store (unit 1), an open pig barn (unit 3), a machinery store (unit 5) and a weaner rearing shed (unit 7).

(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 outlines that all the farm buildings have been redundant for some time but still the established agricultural unit. Whilst farming operations on the wider land are still evident, these have been centralised at Ends Place Farm, some 2.2km to the west. The relevant buildings have historically been used as part of a pig farm and for agricultural machinery storage. There is no evidence to suggest that the buildings have not been part of an established agricultural unit.

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

Building 1: GIA = 88sqm
Building 3: GIA = 147sqm
Building 5a: GIA = 106sqm
Building 5b: GIA = 106sqm
Building 7: GIA = 129.5sqm

The proposed floor space of each dwellinghouse would not exceed 150sqm, as above. 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 five. The cumulative floor space of the dwellinghouses would be 576.5sqm, which would not exceed the 1,000 sqm allowed under Class Q. 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 site is in the ownership of the applicant. 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;

There are no agricultural tenancies that the LPA is aware of. 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 begins,

There is no evidence to indicate that development under Class A(a) or Class B(a) of Part 6 has taken place.

(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),**

It is proposed to extend Building 1 through a single storey extension to a depth of 4m, with a 4m single storey extension also proposed to Building 3. The proposal would not result in the external dimensions of the buildings being extended beyond the limitations outlined above, and all building operations would not protrude beyond the 0.2m. The new windows, doors, external walls, and roofs would sit within the 0.2m limitation. The proposal is considered to comply with (h).

(i) the development under Class Q(b) would result in an extension that—
- **(i) has more than one storey,**
- **(ii) is sited anywhere other than to the rear of the existing building,**
- **(iii) extends beyond the rear wall of the existing building by more than 4 metres,**
- **(iv) has eaves the height of which exceed the height of the eaves of the existing building,**
- **(v) is higher than whichever is the lower of—**
  - **(aa) the highest part of the roof of the existing building, or**
  - **(bb) a height of 4 metres above the ground,**
- **(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or**
- **(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—**
  - **(aa) the hard surface was not provided on the land on or before 24th July 2023, or**
  - **(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,**

Building 1: proposed extension would be single storey, located to the rear and extend 4m. The extension would not extend beyond a wall forming a side or principle elevation. The proposed extension would be sited on land that is covered by hard surface, which has existed on site for a period in excess of 10 years.

Building 3: proposed extension would be single storey, located to the rear and extend 4m. The proposed extension does not extend beyond a side or principle elevation wall and would be sited on land that is covered by hard surface which has existed on site for a period in excess of 10 years.

Building 5: No rear extension proposed. No building operations proposed beyond 0.2m.

Building 7: No rear extension proposed. No alterations are proposed beyond the 0.2m to accommodate building operations.

(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 been accompanied by a structural report, which outlines that the buildings are in good condition and all structural elements will be retained. Replacement external materials and new windows/doors will be installed. Partial demolition is proposed for Building 1, resulting in the demolition of 86.2 sqm, with the rear pens removed to make way for the extension. The pens represent a partial element to the barn and would be considered to fall under (ii) of paragraph (j). The extent and nature of these works to the buildings is not considered to go beyond that permitted by this limitation. Partial demolition is proposed for Building 3 as well. This would result in the demolition of 66.72 sqm of the existing building, removing an area which is comprised of existing open sided canopies on the eastern and western elevations.

The subject buildings would therefore appear capable of conversion in their own right. The measures are not considered to be of such a 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

Building 1: Meets nationally described space standards.
Building 3: Meets nationally described space standards.
Building 5a: Meets nationally described space standards.
Building 5b: Meets nationally described space standards.
Building 7: Meets nationally described space standards.

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

The yard is accessed by a small track that leads to the A24 Dorking Road.

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 planning statement outlines that the site is accessed via an existing entrance leading from Dorking Road to the west with good visibility in either direction. The access is located on a straight section of Dorking Road with good visibility. A visibility plan was included with the submitted application to demonstrate this. Following consultation with WSCC Highways, as the Highways Authority, no objection to the proposal has been raised. The additional of 5 new dwellinghouses to the site will not result in a material change in the character of traffic in the vicinity of the site. There would be sufficient parking provision to accommodate 5 new dwellinghouses. The LHA would raise no highway safety or capacity concerns in relation to the application.

In accordance with the response of the LHA it is not considered that the proposal would result in a significant intensification of vehicle movements, beyond existing agricultural vehicle movements, and would represent a minor change within the context of the highway network. 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

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 nature and extent of noise disturbance arising from proposed residential use would not be considered to adversely impact on neighbouring occupiers and users of land.

(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 states that there are no known contamination risks at the site. While this information is required, it is considered that the 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 proposed buildings are not sited within a flood zone as designated by the Environment Agency and therefore no concern is raised in this respect.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

The yard itself seems to be in a delipidated state with their being little evidence of the area being actively used for agriculture. The buildings would be considered to form a yard of former agricultural buildings. Westons Farm is located close by to the buildings and has operated as a dwelling house according to the supplementary information for over 100 years. It would be considered that the proximity to a residential building aids the proposals acceptability of being a suitable location.

The application site benefits from a pre-existing highway access and is not located in proximity to any sensitive industrial or utility facilities. There is no evidence before the authority that a change of use would prove impractical in this instance.

(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 works would involve the alteration and addition of windows and doors into each of the buildings. The proposed conversion and operations to Buildings 1 and 3 are considered to reflect the utilitarian character of the buildings. Following the previous refusal (DC/24/1819), due to design, the design has been amended to reduce the overly domestic nature. The window and door arrangements for both Buildings 5 and 7 are considered appropriate, with the addition of timber barn doors pinned open around some of the windows and doors, to reflect the rural characteristics of the existing building. The design of units 1, 3, 5a, 5b and 7 are considered to be suitable for the rural location and the use requires minimal change to the appearance of the buildings.

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

Each habitable room serving each of the dwellings would benefit from access to natural light from the proposed new door and window apertures to be installed on the elevations of the building. As such, no objection is raised on these grounds.

Other Matters

<u>Water Neutrality</u>

Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended states that:

'Subject to the provisions of this of this Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.'

Section 75 of the Conservation of Habitats and Species Regulations 2017 states that *'it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which –*

(a) Is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) Is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).'

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

On this basis, an application under Section 77 of the Conservation of Habitats and Species Regulations 2017 would be required to be submitted, and development subject of this Prior Approval application cannot be carried out until a decision of such application has been made.

Conclusion

The proposal has been considered in relation to all relevant conditions, limitations, and restrictions of Class Q in Part 3. As reasoned in detail above, it is considered that the proposal would comply with all relevant limitations of Class Q, with no individual considerations that 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:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways, and receptors
- 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.

a) 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.

b) 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.

c) 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/25/0126

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		133_100	27.01.2025
Block plan		133_101	27.01.2025
Supporting Statement	Structural Report	none	27.01.2025
Layout plan	Visibility Splay	none	27.01.2025
Floor plan	Proposed and Roof- Unit 3	133_112	27.01.2025
Elevation plan	Proposed - Unit 3	133_113	27.01.2025
Floor plan	Proposed and Roof - Unit 5	133_114	27.01.2025
Elevation plan	Proposed and Section - Unit 5	133_115	27.01.2025
Floor plan	Proposed and Roof - Unit 7	133_116	27.01.2025
Elevation plan	Proposed and Section - Unit 7	133_117	27.01.2025
Floor plan	Existing and Roof - Unit 1	133_102	27.01.2025
Elevation plan	Existing and Section - Unit 1	133_103	27.01.2025
Floor plan	Existing and Roof - Unit 3	133_104	27.01.2025
Elevation plan	Existing and Section - Unit 3	133_105	27.01.2025
Floor plan	Existing and Roof - Unit 5	133_106	27.01.2025
Elevation plan	Existing and Section - Unit 5	133_107	27.01.2025
Floor plan	Existing and Roof - Unit 7	133_108	27.01.2025
Elevation plan	Existing and Roof - Unit 7	133_109	27.01.2025
Floor plan	Proposed and roof - Unit 1	133_110	27.01.2025
Elevation plan	Proposed and Section - Unit 1	133_111	27.01.2025
Supporting Statement	Planning Statement	none	10.03.2025

DELEGATED

Case Officer sign/initial	Bethan Tinning	Date:	18.03.2025
Authorising Officer sign/initial	RHERMITAGE	Date:	21.03.2025