



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0644

Raidons, Nutbourne Lane, Nutbourne, West Sussex, RH20 2HS

DESCRIPTION:

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

RELEVANT PLANNING HISTORY:

DC/22/0429	Prior Notification for the change of use of an agricultural building to residential (Class C3) to form 5no. dwellinghouses.	Prior Approval Required and REFUSED on 14.04.2022
DC/22/1169	Prior Notification for Change of Use of Agricultural Building to residential (Use Class C3) to form 1no dwellinghouse.	Prior Approval Not Required on 12.08.2022
DC/22/1967	Prior Notification for Change of Use of Agricultural Building to flexible commercial use for use as Commercial Storage (Use Class B8).	Prior Approval Required and PERMITTED on 08.12.2022
DC/22/1968	Prior Notification for change of use of an agricultural building to residential (Use Class C3) to form 1no dwellinghouse.	Prior Approval Required and REFUSED on 08.12.2022
DC/23/1073	Certificate of Lawfulness to confirm that the property is not subject to an agricultural workers occupancy condition (Lawful Development Certificate - Existing)	Application Permitted on 26.07.2023
DC/23/1098	Prior Notification for Change of Use of Agricultural Building to residential (C3) to form 1 no dwellings - Class Q	Prior Approval Required and PERMITTED on 24.07.2023
DC/23/1383	Prior Notification for Change of Use of Agricultural Building to residential (C3) to form 1No dwelling.	Prior Approval Required and REFUSED on 08.09.2023

SITE AND SURROUNDINGS:

The application site is located on the eastern side of Nutbourne Lane. The application building is a brick built agricultural storage building located within the wider site known as Raidons. The site is located outside the built-up area boundary, in the countryside. The site is within a rural area characterised by farms, commercial uses and individually designed dwellings.

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 dwellinghouse.

The proposal seeks to change the use of an existing agricultural building to 1no. 1-bed dwelling. The proposal is a resubmission of an application previously approved under planning reference DC/23/1098.

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

As the principle of residential development has been accepted it is recommended that the conditions attached to the consent of DC/23/1098 should be applied to this application.

WSCC Highways: Comment [Summary]

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 accesses onto Nutbourne Lane and Gay Street Lane. An inspection of collision data supplied to WSCC by Sussex Police over a period the past five years reveals there have been no recorded collisions 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 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 and as such, 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.

Southern Water: Comment [Summary]

Insufficient information provided.

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

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 1 dwellinghouse under Q(c) 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 site was in agricultural use as part of an established agricultural unit at the time of the application. The previous approval under planning reference DC/23/1089 was granted on 24th July 2023 where the Council were satisfied that the building was in sole and continuous agricultural use at the time of this. The planning statement confirms that this has continued up to the present day. The proposal would therefore meet the requirements of Q.1(a).

- (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 building was part of the established agricultural unit on 24th July 2023.

- (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,**

The floor space of the proposed dwellinghouse would be 58 sqm. This would not exceed the 150 sqm allowed under Class Q.1(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 proposal is for 1no dwellinghouse, therefore the total number of dwellings is under 10. The overall cumulative floor space would be 58 sqm which is within the requirement of Class Q.1(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 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),**

The proposal would not result in any extension or enlargement of the existing building. The proposal is considered to meet the requirements of (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,**

N/A.

- (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 notification has not been supported with a structural report or any supporting statement relating to the structural integrity / condition of the existing building. The building comprises a brick construction with a flat mono-pitched roof. The internal of the building (viewed from the exterior) whilst appearing to be in a state of disuse do not suggest that the structure of the building is unsound. The existing and proposed plans and elevations indicate that a number of internal walls would be constructed internally to subdivide the internal configuration, in addition to a number of new openings serving windows and doors, and new wall panel to the exterior of the northern elevation. Whilst no information has been provided relating to the main structural condition of the building, the building was considered structurally capable of conversion, confirmed in the previous approval (DC/23/1098). There is no evidence that this situation has changed, and that significant structural works are now required that would go beyond the requirements of (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 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 floor plans demonstrate the GIA of the proposed dwelling would be approximately 58 sqm, complying with nationally described space standards. The above criteria is therefore met.

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

The site is accessed via a public highway to the east of Gay Street Lane, and the existing access is suitable to serve the proposed development. The above criteria is therefore met.

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

West Sussex County Council as the Local Highway Authority have advised that the suitable space is provided surrounding the site which would meet the dwelling's parking needs, and that there are no apparent concerns regarding the visibility and access into the site. Furthermore, the increased trip generation from the proposed change of use would not be considered to exceed potential current use. As such, no objections are raised on highway grounds.

(b) noise impacts of the development

Paragraph 187 of the NPPF states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 198 continues that decisions should ensure that all new development is 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 impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The proposed development is well located in relation to adjacent residential dwellings and other buildings nearby. Any noise impacts in relation to residential accommodation on the site would be less than the equivalent agricultural activity with associated commercial vehicle movements. It is considered that the neighbouring uses would not have a detrimental impact on the amenity of future occupiers, as per the previous approval. The planning statement confirms that the level of thermal insulation required within the building will provide significant acoustic insulation. Additional insulation can be used to provide further acoustic properties if required. It was considered, as part of the previous prior approval at site (DC/23/1089), that the proposed residential use would not be anticipated to generate any harmful levels of noise over and above the existing arrangement, no objections are therefore raised on these grounds.

(c) Contamination risks on the site

Paragraph 187 of the NPPF states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 196 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination.

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.

As per the previous prior approval on site (DC/23/1098), the contamination assessments that are required to be undertaken to assess the risks to future site users can be secured through suitably worded conditions. As such, no objections are raised on the grounds.

(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

The building is accessible via a pre-existing metalled access and not in a setting where conversion would compromise the operation of surrounding uses. The proposal would not introduce openings directly facing any existing neighbouring dwellings, as such, would not detrimentally influence the privacy of adjacent occupiers, nor would the effect of building operations (in terms of a loss of light and sense of enclosure), be considered materially greater than those permitted. Overall, therefore, the proposed works would not be considered impractical or undesirable as termed at paragraph Q.2(1)(e).

(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 overall form and footprint of the existing building would be retained. The proposed elevations illustrate that the external appearance of the building would be retained with regards to the existing materials. Whilst new openings would be introduced within the structure, it is considered that these would not give the building an overtly domestic appearance beyond that which could be expected as a result of the conversion of a rural building to a residential use. The proposed design and external appearance of the building is therefore considered to be acceptable within this rural setting.

(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 objections raised on these grounds.

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 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:** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site and extant structures shall each 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.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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).

2. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition 1 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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/26/0644

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	and Existing and Proposed plans and Elevations	2206RA_R0_000	22.04.2026
Supporting Statement	Planning	P-047a REV 1	22.04.2026

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 12.06.2026

Authorising Officer sign/initial RHERMITAGE Date: 16.06.2026