Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0625
Jack Dunkleys Yard, London Road, Henfield, West Sussex, BN5 9AA

DESCRIPTION:

Prior Notification for Change of Use to a flexible commercial use, covering the following usages B2,B8, E or Class F or the provisional of agricultural training.

RELEVANT PLANNING HISTORY:

DC/20/1906	Change in use of the premises to mixed-use purposes for Use Classes B8, E and as a base for a garden design and landscaping business.	Application REFUSED on 24.06.2021 [DISMISSED ON APPEAL]
DC/24/1575	Prior notification for the change of use of an existing portacabin to be changed to flexible commercial (Class R).	Objection 22.11.2024

DETAILED DESCRIPTION:

This notification seeks prior approval under Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 to form a flexible commercial unit.

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

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 R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

R.1(a)(iii) of the GPDO states that:

R.1 *Development is not permitted by Class R if-*

(a) the building was not used solely for an agricultural use as part of an established agricultural unit-

(i) on 3rd July 2012;

(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 building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins

The Council's aerial mapping indicates that the unit subject of this prior notification has been on site since at least 2001- though, likely longer. An email from the applicant (dated 04.06.2025) details that the barn was on site in 1992 (as shown on the submission documents from HF/53/92), where at the time the site had agricultural statue. In 2001, the block plan submitted with application HF/109/01 indicates the unit as a barn, with an associated sales area. The applicant alleges that since the site was purchased in 2010, the unit has been in agricultural use to the present day. In addition, an enforcement investigation (referenced EN/18/0135) revealed that the building was in use for the storage and restoration of furniture (general domestic). This is further clarified in a document (titled '*Current* building/ site occupants - as per April 2021') attached to application DC/20/1906 indicates that the unit in use for furniture restoration. Furthermore, the plan indicates that the building has (at some point) been subdivided into three units: unit 1 containing the furniture restoration use, and 1a and 1b for 'office use' respectively. It is not clear from any submission on the site what the office use was associated with, though the application form suggests that the office use was in connection with the agricultural operation on the site. Provided that this could be demonstrated beyond reasonable doubt (by way of the granting of a lawful development certificate), the Council has no objection to the use of the building changing.

In any case, the building has been present on site in excess of 30 years, and within that period the site was in agricultural use. Though the Council has records of some inconsistencies with the uses of the last 7 or so years, the building in question was in agricultural use within the relevant period (in this case, May 2015). Accordingly building would benefit from the permitted development right as per Class R.1(a). Furthermore, there are no planning applications on the site that restrict the use of the building that would affect its ability to benefit from Class R conversion.

Whilst the applicant has not specified the use as per R(a) or R(b) of the Order, written correspondence confirming the use can be provided prior to the use commencing. An informative is attached accordingly.

Recommendation: No Objection to Notification

NOTE TO APPLICANT
The applicant is advised that written confirmation of the precise use of the building is required to be sent to the Council prior to the use operating.

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/25/0625
Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Block Plan		NONE	15.04.2025

DELEGATED

Case Officer sign/initial RHERMITAGE Date: 09.06.2025

Authorising Officer sign/initial TDALE Date: 09.06.2025