



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0279

Pemberley, Copsale Road, Maplehurst, West Sussex, RH13 6QY

DESCRIPTION:

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

RELEVANT PLANNING HISTORY:

DC/21/1946	Conversion of existing barn to form a two-bedroom carbon neutral live/work dwelling with associated landscaping works.	Application Refused on 17.05.2022
DC/19/2117	Conversion of barn to a two bedroom single storey live work dwelling	Application Refused on 24.01.2020
DC/04/1463	Erection of building comprising 6 stables, 2 tack rooms, store and storage area for hay, straw and machinery	Application Permitted on 31.08.2004

SITE AND SURROUNDINGS:

The application site is located outside the built-up area boundary and within a countryside location, to the north of Copsale Road. The surrounding area is predominantly rural in nature with some residential properties located along the road. The application building comprises a timber-clad barn which was granted planning permission in 2004 under application DC/04/1463 for the erection of building comprising 6 stables, 2 tack rooms, store and storage area for hay, straw and machinery. The barn is accessed from Copsale Road via a private track. Planning permission has also been granted for a separate stable and sand school east of the site within the applicant's land (ref: DC/20/1205). Two previous full applications relating to the conversion of this building to a dwelling, have been refused, references DC/19/2117 and DC/21/1946.

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 building comprises a precast concrete panel frame barn, clad in timber weatherboard cladding and corrugated fibrous cement roof sheets.

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

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.

In accordance with the recommendations of the PPG, 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.

Part of the building is to remain in use as an agricultural store. Given the immediate proximity of this storage area to the proposed dwelling it is important that no herbicides, pesticides, fuels, oils or other potentially contaminative materials are stored.

WSCC Highways: Advice

Comments: 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. WSCC in its role as LHA has therefore considered the proposal on that basis. The prior approval is therefore considered acceptable in highway terms.

HDC Planning Compliance: Comments received

Southern Water: Comment

Insufficient information provided. Pre-commencement condition relating to the proposed means of foul/surface water drainage disposal requested.

Parish Comments:

None received

Representations:

4 letters of Objection have been received from 4 addresses, objecting to the application on the following grounds:

- Site is within a countryside location, outside the BUAB of Maplehurst
- Site is not allocated within the Neighbourhood Plan
- Previous applications have been refused, both by HDC and by the Planning Inspectorate
- A dwelling is not required as no onsite presence is required
- This application seeks to undermine the previous refusals
- Land drainage and surface water risk to neighbouring properties
- Infrastructure and traffic concerns
- Loss of agricultural land and negative countryside impact
- Property value and land stewardship
- Public engagement concerns
- No agricultural use of the site within the last 22 years, solely being used for private equestrian purposes
- Non-compliance with Class Q Criteria
- Amenity impacts arising from the conversion on neighbouring dwellings

4 letters of Support have been received from 4 addresses, supporting the application on the following grounds:

- The fields on the farm are within an agricultural use, with hay/silage cut several times a year
- The barn is used for storage, including fencing, tools and machinery used on the land
- Proposal meets the criteria under Class Q
- The land is managed as productive grassland
- The barn forms part of the working agricultural holding
- The proposed conversion is a sensible re-use of an existing rural structure
- No adverse impact on the surrounding area

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**

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.

The barn subject of the application was permitted under planning reference DC/04/1463. Condition 8 of this permission stated:

8 *The area of the building shown for storage for hay straw and machinery in connection with the land outlined in blue shall be used for that purpose only.*

Reason: To accord with the terms of the application and to ensure the Council retains control over the use of the building.

The proposed conversion of this barn to a C3 Use, includes part of the area of the building, which is conditioned as above, for the storage of hay straw and machinery only. This condition restricts the building to this use and given the inclusion of “only”, excludes all other uses. Therefore, the building does not benefit from permitted development rights and the proposal conflicts with Condition 8 of permission DC/04/1463 and cannot proceed under Class Q.

Notwithstanding the above, for completeness the submission has been considered against the limitations and conditions of Class Q, as set out below: -

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 rights were updated in May 2024, with the ten-year clock reset to 24th July 2023.

In this case, the application building forms part of a wider rural holding which has been demonstrably managed for agricultural purposes over a number of years. Evidence submitted with the application, including aerial imagery, photographic records and supporting information, indicates that the land has been used for haymaking and agricultural land management, with the building used in connection with the storage of hay, equipment and materials associated with that use.

The building was originally approved in 2004 for a mix of stabling and storage purposes. However, a separate stable building and sand school were constructed in 2020 under planning permission DC/20/1205 (Construction of stables and sand school). The supporting information indicates that, following the construction and use of these facilities, equestrian activity associated with the holding was relocated, and the use of the application building for stabling purposes ceased in November 2022. Since that time, the building has been used for agricultural storage purposes in connection with the wider holding.

On the basis of the available evidence, it is considered that the site formed part of an established agricultural unit on 24th July 2023, and continues to do so. The proposal therefore accords with the requirements of Class 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.**

In this instance, the site remains part of an established agricultural unit and has not been severed from that unit. As such, the provisions of Class Q.1(b) does not exclude the proposed development.

A review of historic aerial imagery indicates that the building has been present on site since at least 2005 and formed part of the wider agricultural holding on 24th July 2023. The submitted evidence demonstrates the continued agricultural management of the land, including haymaking activity and associated storage within the building.

As such, it is considered that the site complies with the requirements of Class Q.1(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,**

The floor area of the proposed dwellinghouse would be 145.18 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 145.18sqm, 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 does not include the extension of the existing building and is therefore 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,**

The proposal does not include the extension of the existing building and is therefore 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 Applicant has detailed within their Planning Statement that the building is structurally capable of conversion without complete or substantial rebuilding or enlargement. While no Structural Survey has been submitted, there is no evidence to suggest that the building is not capable of conversion. For these reasons, it is concluded that the proposed development would accord with Q.1(h).

(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 internal floor area of the building is 145.18sqm, with the building capable of complying with the nationally described space standards for 2-bedroom dwellings (70m²).

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

The site is accessed off Copsale Road, which is a highways-maintained road. The existing access is therefore suitable to serve an additional dwelling. The access has also facilitated the existing uses, without incident for years, as confirmed by WSCC LHA's consultation response.

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 the existing access to the public highway. Following consultation with WSCC Highways as the Highways Authority, no objection to the proposal has been raised. The proposal is not considered to result in harm to the function or safety of the public highway network, with adequate onsite parking and turning areas being available to serve the dwelling.

(b) noise impacts of the development

Paragraph 187 of the National Planning Policy Framework (NPPF) requires development to prevent both 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 or land instability.

Paragraph 198 of the NPPF continues that planning decisions should also ensure that 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.

The subject building is located approximately 62m from Sheepwash Farm and 73 metres from Courtup Barn. The proposal would create one dwelling, with a residential use not considered to generate harmful noise and disturbance above and beyond the existing uses of the site. There is potential for impact from agricultural activities on the dwellinghouse, with this considered further under (e).

(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.

The application has not been supported by a preliminary contamination risk assessment, with no assessment also being submitted under the previous applications (DC/21/1946 and DC/19/2117). The council's Environmental Health Team have commented on this application and the previous application (DC/21/1946), stating given the presence of made ground associated with the current development, they are of the view that the ground on the site has the potential to be contaminated. As such, contamination assessments will need to be undertaken to assess the risk to future site users.

The identification of potential contamination does not in itself prevent development under Class Q, provided that appropriate investigation and remediation can be secured. In this case, it is considered

that any contamination risks could, in principle, be addressed through the submission of further investigation and remediation details prior to occupation, and therefore contamination does not constitute a reason for refusal of the proposal under Class Q.2(1)(a).

(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 site is not affected by any statutory or non-statutory landscape, biodiversity, or heritage designation. The subject building is located approximately 62m from the nearest neighbouring amenity. There would be limited impact on neighbouring amenities.

However, the submitted plans indicate that significant portions of the barn would remain outside the residential envelope, capable of continued agricultural use. The proposed dwelling would therefore be directly adjacent to agricultural activity, creating an inherent incompatibility between residential and agricultural uses.

This relationship is not a matter capable of resolution through condition, as it arises from the fundamental layout and physical arrangement of the retained building itself.

The Local Planning Authority considers that this relationship would result in unacceptable living conditions for future occupiers and would place unjustified constraints on the lawful operation of the retained agricultural building. The location and siting of the building therefore make the change of use impractical and undesirable for the purposes of Class Q2(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 building would retain its original form, and the materials proposed would be deemed appropriate to the rural setting and reflect the utilitarian character and its surrounding. The proposed alterations would enhance the appearance and the setting of the site in general. The design would give consideration to traditional agricultural buildings in the wider area, with the form of the structure deemed appropriate to a rural setting. No objections are therefore raised regarding design or external appearance.

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

The submitted plans indicate that all habitable rooms would be served and benefit from sufficient windows to ensure adequate provision of natural light for future occupants. 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.

Conclusion

The proposal has been assessed against the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, including the amendments which came into effect on 21 May 2024.

While the building is considered to meet the agricultural unit eligibility requirements of Class Q, the proposal fails to comply with the limitations and conditions of the permitted development right. The building is subject to Condition 8 of planning permission, reference DC/04/1463, which restricts part of the building proposed to be converted to use for the storage of hay, straw and machinery. As the proposed development includes the change of use of this restricted part of the building, it would conflict with the condition imposed by this permission.

In addition, the submitted plans show that substantial parts of the barn would remain outside the residential envelope and capable of continued agricultural or storage use. The proposed dwelling would therefore be located immediately adjacent to retained agricultural areas, creating an inherent incompatibility between residential occupation and agricultural activity. The Local Planning Authority considers that this relationship would give rise to unacceptable living conditions for future occupiers and would place unjustified constraints on the lawful use of the retained building. The location and siting of the building therefore make the proposed change of use impractical and undesirable for the purposes of Class Q.

For these reasons, the proposal does not constitute permitted development under Class Q and prior approval is refused.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	145.18	209.46	0
Total Gain			
Total Demolition			

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Prior Approval Required and REFUSED

Reason(s) for Refusal:

1. The building is the subject of Condition 8 of planning permission reference DC/04/1463, which restricts part of the building to use for the storage of hay straw and machinery. As the proposed development includes the conversion of this restricted part of the building, it would be contrary to this condition. The proposed development would not therefore constitute permitted development under Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
2. The submitted plans indicate that significant portions of the existing barn would remain outside the residential envelope and capable of continued agricultural or storage use. The proposed dwelling would therefore be directly adjacent to retained agricultural areas, resulting in an inherent conflict between residential occupation and agricultural activity. This relationship would

be likely to result in unacceptable living conditions for future occupiers through noise and disturbance and would place unjustified constraints on the lawful use of the retained building. The Local Planning Authority considers that the location and siting of the building make the change of use impractical and undesirable, contrary to Class Q.2(1)(e) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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/26/0279

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan		NONE	17.02.2026
Elevation plan	Existing Elevations	NONE	17.02.2026
Floor plan	Existing Floor Plan	NONE	17.02.2026
Site plan	Existing Site Plan	NONE	17.02.2026
Supporting Statement	Planning Statement	NONE	17.02.2026
Elevation plan	Proposed	NONE	17.02.2026
Floor plan	Proposed Floor Plan	NONE	17.02.2026
Plans	Visuals	NONE	17.02.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 13/04/2026

Authorising Officer sign/initial Tamara Dale Date: 13.04.2026