Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1742
Monks Farm, Honeywood Lane, Okewood Hill, Surrey, RH5 5QA

DESCRIPTION:

Prior Notification for Change of Use and extension of an Agricultural Building to 3no dwellinghouse (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/20/1090	Prior approval for the change of use of the agricultural barn to C3 residential to form 1no dwelling.	Prior Approval Required and REFUSED on 07.08.2020.
DC/20/0858	Prior Notification for the change of use of agricultural building to a single dwellinghouse.	Withdrawn Application on 03.06.2020.
DC/21/0693	Retention of existing mobile home	Application Permitted on 16.07.2021.

SITE AND SURROUNDINGS:

The site is located in Okewood Hill, to the north of Horsham district. The application site comprises a farm with a number of agricultural buildings, with two residential dwellings located closest to the barn. Surrounding the application site are fields, with significant vegetation screening the site. There is also a restricted byway which runs alongside the barn and the access track. The application site is not located with a Flood Zone.

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 3no dwellinghouses.

The proposal seeks to create three dwellings, each consisting of three-bedroom, six-person bedroom, constructed over two floors with open plan living areas on the ground floor. The proposal proposes to extend out to the rear, with additional openings and new insulated walls with dark zinc cladding.

It is noted that there has been one previous Class Q prior approval at Monks Farm, which was refused due to the information submitted not demonstrating that the buildings were in agricultural use on the relevant date in 2013, insufficient information on the design and appearance and the reasonably necessary nature of the proposal. The Class Q permitted development rights have since changed (in 2024).

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Town and Country Planning (General Permitted Development) (England) Order 2015 – Schedule 2, Part 3, Class Q

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 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.

The information provided with respect to water neutrality proposes that rainwater harvesting, and grey water recycling will be used to reduce water demand. This will include use of water for sanitary purposes and therefore the water will require to be treated to a potable standard. It is unclear if the each of the proposed dwellings will be independently supplied or if they will share the rainwater harvesting and grey water supplies.

Rainwater and greywater supplies can be highly contaminated and cross contamination with treated water must be avoided. Therefore, robust, and detailed written private water supply management and maintenance details will need to be submitted in support of the application.

WSCC Highways: Comment: -

The site is accessed via Public Right of Ways "Restricted Byway 1412" and "Bridleway 1420_1" before linking with a short stretch of WSCC maintained highway named "Honeywood Lane Access Road". This then links to the wider highway network at Honeywood Lane, although this is located within Surrey County Council's jurisdiction. Consequently, the LPA may wish to consult both WSCC Public Rights of Way and Surrey County Council on comments relating to access.

Notwithstanding the above, generally the change of use from agricultural to residential would result in 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 current use.

The WSCC Car Parking Demand Calculator indicated that a development of this size and location would require seven car parking spaces. From inspection of the plans, there appears to be space within the site curtilage for suitable car parking provision to be accommodated. The LPA may wish to secure car and cycle parking by condition.

In summary, the movements associated with agriculture have done so safely with no known safety highways concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

Southern Water: No Objection: -

Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue, and no Southern Water assets will be affected. Therefore, Southern Water has no objections to this proposal.

Note surface water should not be disposed of into a public foul sewer and must comply with the Hierarchy of H3 of the Building Regulations. For more details, refer to the Drainage and Waste Disposal: Approved Document H on the GOV.UK website.

Any new connections to the public sewerage system will require a New Sewer Connection application (also known as a Section 106) to be submitted and approved by Southern Water.

Parish Comments: Objection

Transport/Siting – this barn is in an unsustainable location for conversion to 3 family homes. It is over 2 miles from the only facilities in Rowhook (namely the Chequers Inn), and further still from any schools, pre-schools, shops, or access to public transport, making for complete dependence upon use of private motor vehicles for daily life.

Water Neutrality – the information supplied is unevidenced, based on estimation rather than the details from actual water bills relating to the existing agricultural usage, making it rather speculative.

Representations:

None received.

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

The main issue is whether prior approval is required for the proposed change of use and conversion of the existing agricultural building to provide a single dwelling under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Permitted development:

Q. Development consisting of—

(a) a change of use –

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but no longer) part of an established agricultural unit and any land within that building's curtilage

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.

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,

The Class Q permitted development rights was updated in May 2024, with the ten-year clock reset to 24th July 2024. The application building was part of an established agricultural unit on 24th July 2023. The planning statement and the statutory declarations state that the barn has been used to store vehicles, machinery, tools, and equipment in relation to agricultural use.

(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 and statutory declarations state that the building subject of the application has not been used for any non-agricultural purposes. The building was therefore 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,

Three dwellinghouses are being developed under Class Q.

Unit 1: 107m2
Unit 2: 107m2
Unit 3: 107m2

The proposed floor space of each dwellinghouse would not exceed 150sqm, as above. The proposal is considered to meet the requirements of I.

(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 three. The cumulative floor space of the dwellinghouses would be 321 sqm, which would not exceed the 1,000 sqm allowed under Class Q. The proposal would therefore be in accordance with the requirements of (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,

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

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—

(i) extension of the building allowed by paragraph Q.1(i);

(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

The proposal would result in the unit being extended approximately 4m to the rear, in line with the parameters set out within Paragraph Q.1.

(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 extensions would be less than 4 metres, extend out the rear elevation and the eaves and ridge height would match the existing.

The statutory declaration provided from Ms Charlton states that the hard surfacing has been on site for at least 12 years. However, it does not define which areas of the site this hard surfacing relates to. From a site visit, it is noted that there is hard surfacing to the front and rear of the building. However, aerial imagery available to the Council, including Google Earth images, suggests that the hard surfacing to the rear of the building is a recent addition following clearance to this area of the site. The Google Earth imagery dated June 2013 and August 2013 shows the area to the rear of the site to be covered by trees and grassland, with the aerial photograph dated 09.2018 showing this area to be cleared. The later images of April 2020, June 2021, and July 2022 show that this area of land has grassed over, with the latest image of May 2024 showing the area laid to hardstanding. This evidence does not therefore sufficiently demonstrate that the area to the rear of the building was laid to hard surfacing on the relevant date, or that the hard surface has been laid for a period of 10 years after the relevant date.

It has not therefore been sufficiently demonstrated that the area of land to which the extension is proposed has been covered by a hard surface for the required period of time, contrary to Q.1(i)(vii).

(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 that building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas, or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

The application has not been accompanied by a structural survey. While no structural survey has been provided, during a site visit, the soundness of the structure was assessed. It is considered limited works would be needed to convert the building into residential use. Windows and doors are proposed on north-west and south-east elevations. The external structures would remain the same dimensions, with the

addition of a 4m extension at the rear, and there is no evidence to suggest that the building is unsuitable for conversion in its current state.

The subject building would therefore appear capable of conversion in its 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

This 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

Each dwelling measures 107sqm, which would meet the nationally described space standards for 2- and 3-bedroom dwellings, with an appropriate number of bed spaces (persons) and additional provision of built-in storage. The dwellings would therefore provide adequate living and storage space in accordance with national space standards.

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

The site is accessed off Honeywood Lane, which connects to the Horsham Road. The existing access is suitable to serve additional dwellings, as it currently serves several down Monks Lane. The access has also facilitated agricultural use for several years.

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 states the proposed dwellings will utilise the existing access track (Ruckmans Lane) that is shared with the public. The conversion of the barn will not result in a significant change in the character or volume of traffic on the nearby road network. Following consultation with WSCC Highways, as the Highways Authority, no objection to the proposal was raised. The WSCC Car Parking Demand Calculator indicates that development would require seven car parking spaces, and there appears to be space within the site curtilage for suitable car parking provision. The LHA would raise no highway and safety or capacity concerns in relation to the application.

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

Paragraph 187 of the National Planning Policy Framework (NPPF) requires development to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 198 of the NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The subject building is located 99m away from the nearest residential amenity, located on the same access track, with fields to the east and west of the building. The planning statement states there are not considered to be any noise impacts associated with the proposed use or from surrounding land uses on the future occupants of the dwelling. Given this context, it is not considered that the proposed development itself would result in demonstrable harm to the amenities of the surrounding residential properties.

(c) Contamination risks on the site

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.

No contamination reports have been submitted to support this application. The planning statement states that the barn was used for the storage of hay and agricultural equipment and therefore it is unlikely for contaminants to be present. While this information is required, it is considered that the additional information could be secured by way of condition which would be considered sufficient to render the development acceptable in relation to Q.2(1)(c).

(d) flooding risks on the site

The site is not located within a surface water flood risk zone.

(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 subject building is located close to other residential dwellings along the access track which are domestic in character. There would be limited impact on neighbouring amenity, as the closest neighbouring dwelling is located approximately 99m away from the closest proposed dwelling. The agricultural buildings are located more than 200m away from the site. Given this context, the residential conversion is generally considered commensurate to the surrounding uses and acceptable in this regard.

It is noted that the building is located within an Archaeological Notification Area. Should the development be considered acceptable, an informative in respect of monitoring and the discover of any found artefacts would be added.

The location of the site, near to existing residential buildings, would be suitable and would have limited impact on neighbouring occupiers in relation to Q.2(1)(e) given the separation to dwellings within the surrounding area.

(f) the design or external appearance of the building,

The proposed conversion would utilise the existing openings, as well as install new openings, providing windows and access doors for entry to the dwellings and access to the rear gardens.

The proposal would include a high number of window openings, set within a uniform arrangement across all elevations. Rural barn conversions would generally be expected to include minimal openings arranged in a non-uniform pattern, with varying sizes of openings to provide interest. In contrast, the proposed window openings would, when coupled with the proposed material palette, result in a cluttered and incongruous arrangement that would not reflect the local vernacular nor the character of a rural building. The proposal would not reflect a domestic rural character, where the proposed design would appear overly utilitarian and would erode the rural character of the building.

For these reasons, the proposal is considered to be of a design and appearance that would detract from the character of the rural locality and would fail to reflect the characteristics and vernacular of the host dwelling, contrary to Q.1(f).

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

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

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

The proposed curtilage is considered to comply with the relevant definition.

Other Matters

Water Neutrality

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

'Subject to the provisions of this 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 detailed above, the proposed development is not considered to comply with Q.1(i)(vii) and Q.2(f) of Class Q of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Recommendation: Prior Approval Required and REFUSED

Reason(s) for Refusal:

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the hard surfacing to the rear of the building was present on 24th July 2023 nor for a period of 10 years after this date. The development would not therefore accord with Class Q, Q.1(i)(vii) of Part 3 within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

2 The development would be of a design and external appearance that would fail to reflect the characteristics and vernacular of the host building and rural locality. The development would not be permitted by Class Q, Q.2(f) of Part 3 within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Plans list for: DC/24/1742
(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
Block plan	Existing Block Plan	24059-P-001	08.11.2024
Location plan	Existing Location Plan	24059-P-002	08.11.2024
Block plan	Proposed Block Plan	24059-P-003	08.11.2024
Location plan	Proposed Location Plan	24059-P-004	08.11.2024
Floor plan	Proposed Ground Floor Plan	24059-P-100 B	08.11.2024
Elevation plan	Proposed Elevations 01	24059-P-101 B	08.11.2024

Elevation plan	Proposed Elevations 02 and Section	24059-P-102 B	08.11.2024
Floor plan	Proposed First Floor Plan	24059-P-103 A	08.11.2024
Floor plan	Existing Floor Plan	24059-P-104	08.11.2024
Elevation plan	Existing Elevations 01	24059-P-105	08.11.2024
Elevation plan	Existing Elevations 02 and Section	24059-P-106	08.11.2024

DELEGATED

Case Officer sign/initial Tamara Dale Date: 30.12.2024

Authorising Officer sign/initial Guy Everest Date: 30.12.2024