Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1868
Bentons Place , Hooklands Lane, Shipley, West Sussex, RH13 8PY

DESCRIPTION:

Prior Notification for Change of Use of 2no. Agricultural Buildings to 7no. dwellinghouses (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/21/0901	Prior notification for the existing track and gateways to be resurfaced.	Prior Approval Not Required on 01.07.2021
DC/25/0008	Application to confirm that on the balance of probabilities the bund was 87% substantially complete by September 2019 (Lawful Development Certificate - Existing)	Application Refused on 08.04.2025
DC/25/0121	Prior notification for the demolition of an agricultural barn.	Prior Approval Not Required on 21.02.2025
DC/25/0122	Proposed installation of cladding and doors to existing barn	Application Permitted on 31.03.2025
DC/25/0703	Prior Notification for Change of Use of Agricultural Buildings to 7no. dwellinghouses.	Prior Approval Required and REFUSED on 28.07.2025
DC/25/1458	Prior Notification for Change of Use from an agricultural building to 7 dwellings (Class C3 Use).	Prior Approval Required and REFUSED on 11.11.2025
DC/25/1622	Demolition of modern extension to east elevation. Construction of a single storey rear extension. General repair works and internal alterations. (Householder Application).	Application Permitted on 05.01.2026
DC/25/1623	Demolition of modern extension to east elevation. Construction of a single storey rear extension. General repair and conservation works to house and minor internal alterations. (Listed Building Consent).	Application Permitted on 05.01.2026

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 6 no. 3-bed dwellings.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles

Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

HDC Conservation: No Objection

The buildings subject of this application do not form part of the listed building.

HDC Environmental Health: No Objection

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

Southern Water: Comment

Insufficient Information provided

Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

WSCC Highways: No Objection

Highway Authority do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network; therefore, is not contrary to the National Planning Policy Framework (NPPF), paragraphs 114 -117, as revised December 2024. Therefore, there are no transport grounds to resist this proposal

Parish Comments: Objection

- Design conflicts with Shipley's Neighbourhood Plan policies HD1 and HD3, as it did not meet the Design Statement
- Overdevelopment of a rural site
- Addition of an estimated 100 vehicle journeys per day as a result of the proposal, as the lane is very narrow and not suitable for such high-density traffic movements.

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.

ASSESSMENT

Permitted development

Q. Development consisting of—

(a) a change of use of—

(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 is 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 that 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 agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or

(ii) where the site became part of the 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 has previous planning history relating to an agricultural purpose including application SP/19/02 (Prior notification to erect an agricultural storage building); DC/19/1458 (Change of use from an agricultural and workshop building to form x7 small industrial units) and DC/25/0703, DC/25/1458 (Prior Notification for Change of Use of Agricultural Buildings to 7no. dwellinghouses). It is not considered the

works under DC/19/1458 were implemented and the site in effect remains in its previous agricultural use. On the basis of evidence available to the Local Planning Authority, and on a balance of probability, it would be considered that the site would have been part of the established agricultural unit on 24th July 2023.

(b) in the case of a site that was (but is no longer) part of an established 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,

N/A

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

The northern barn is to be converted into 5 dwellinghouses ranging from 114m^2 (4 units [nos. 1; 2; 4; 5]) to 141m^2 (1 unit [no. 3]) with the southern barn to be converted to 2 dwellinghouses at 119m^2 each, in accordance with (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 proposed seeks prior approval for 7 units. In total, the cumulative footprint for the dwellings is 923m^2 (north barn: 656m^2 + south barn: 267m^2) abiding with (d).

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is in the ownership of the applicant. The proposal is considered to meet the requirements of (e).

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

There are no agricultural tenancies that the LPA is aware of. The proposal is considered to meet the requirements of (f).

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

No development under Class A(a) or Class B(a) of Part 6 has taken place since 2013. Previous application SP/19/02 was determined in 2002.

(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 proposed will include extensions to both the northern and southern barn.

(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,

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 proposed works include extensions to the north and south barns, both extending to 4m and positioned to the rear of both barns. This has been amended from the previous application where the extension to the barns were both considered to sit to the side elevation. It is considered that the works would now abide with the limitations in this regard.

The extensions have been revised from previous application and are now under / exact to the 4m height for both barns.

The extensions are to be sited on ground that is currently hardstanding. Google Earth imagery from 2001 appears to show that the current southern barn has hardstanding to the rear as when the barn is seen in imagery from 2009, the barn is forward of the rear extent of the hardstanding. However, it is not clear whether this rear extent is still hardstanding as it appears to be muddy. In 2009, the north barn is also sited in imagery and appears to show hardstanding to the rear though again it is not explicitly clear that the rear is definitively hardstanding as this also appears muddy. Nevertheless, it is considered that it is likely hardstanding given the surrounding context. In the years from 2012 to 2022, both barns hardstanding to the rear is very much obfuscated and it is not clear whether the ground beneath is still laid hardstanding. Imagery from 2025 and the Council's site visit confirms the presence of hardstanding though its laying appears different from that of the Google Earth satellite imagery. Further clarity was requested by the Council regarding this with the agent noting that lack of maintenance of the land in the years before 2025 had obscured the hardstanding. The Council holds no evidence to the contrary and it would be considered that the hardstanding has been in place since before the relevant date period.

(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);

Replacement external materials and new windows/doors will be installed. The extent and nature of these works are not considered to go beyond that permitted by this limitation.

(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

It would be considered that the proposed would meet the relevant space standards.

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

The barns are served via Hooklands Lane, an unadopted track that is part of the PROW system (path 1886). It would be considered that the barns are located well to use this. The track is a class 'T' road defined by West Sussex County Council as "Public right of way or track (limited maintenance) – part of the road network but not publicly maintainable highway". It would be considered that the buildings would have suitable access to the highway.

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 impacts of the development,

This application has been assessed several times: The following comments are from the previous application (DC/25/1458). As nothing has changed from a highway's perspective regarding this application and the previous, the assessment from WSCC is still considered valid for this application.

"West Sussex County Council, as the Local Highways Authority, have been consulted as part of this prior notification process and raised no objection.

They comment "From our perspective we are satisfied that where Hooklands Lane to Bentons Place Farm, meets the public highway at Hooklands Lane, visibility is good. The PROW team may want to comment on the use of this PROW as the main access to the new dwellings".

Whilst noted, the Council believes that the barns would be connected to part of the road network though noted not on publicly maintainable highway as per the definition provided by West Sussex of a class 'T' route.

WSCC reviewed the highway technical note submitted by the applicant regarding highway and stated "whilst th[ere] will be an increase in trips on the existing use as an agricultural building th[e] number of trips is still relatively low, and no concerns are raised from a highway safety or capacity point of view".

As stated previously by the LHA, "the information provided is limited. It is unlikely the Highway Authority would raise an objection given the low level of traffic likely to be generated by 7 dwellings. However, additional information would be helpful to determine if the access use will be intensified over existing use as visibility is limited and Hooklands Lane is not suitable for a significant increase in traffic"

As previously stated under DC/25/0703, given their view that "[it] is unlikely the Highway Authority would raise an objection given the low level of traffic likely to be generated by 7 dwellings", it would be considered that the proposal would be unlikely to generate a level of traffic that would be harmful. The site would be well connected to a PROW and it is not considered that the proposal would result in a undue intensification of vehicle movements which would not threaten the integrity of the highway".

(b) noise impacts of the development,

The National Planning Policy Framework (NPPF) requires development to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The nature and extent of noise disturbance arising from proposed residential use would not be considered to adversely impact on neighbouring occupiers and users of land.

(c) contamination risks on the site,

The NPPF states that planning decisions should be based on adequate site investigation information, prepared by a competent person, which demonstrates suitability for use. Without sufficient information submitted with this application it is not possible to make such a determination.

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 information in respect of Contamination Risk has been submitted in support of the application. While it would be beneficial to provide this information up front, a suitably worded condition would be recommended to secure full detail as to contamination risk and any relevant remediation measures.

(d) flooding risks on the site,

The proposed buildings are sited within Flood Zone 1 as designated by the Environment Agency and therefore no concern is raised in this respect.

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

Agricultural activities undertaken in close proximity to the buildings subject of this notification, and resulting residential units, could impact upon the amenities/wellbeing of future occupants by reason of noise and odour disturbance. This would, potentially, fall beyond the control of future occupants, and could be of some scale given the range of existing facilities. It is, though, acknowledged that the prior approval of the Authority has previously been given, where it was concluded that there would be no conflict. There have been no material changes to the spatial context since the previous Prior Approval, and there is no justifiable reason to reach a different conclusion.

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

(f) the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The proposed works would involve the alteration and addition of windows and doors into each of the buildings. The level of fenestration is considered appropriate.

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

Each habitable room serving each of the dwellings would benefit from access to natural light from the proposed new door, window and roof light apertures to be installed on the elevations of the building.

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 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.

An HRA was undertaken and seeks to ensure that the above proposed development can be considered 'water neutral'. The proposed development is for seven homes, each with 3 bedrooms (7 x 3 bed dwelling). The 3 bed occupancy rate for one dwelling is 2.47 occupants. A 3 bedroom dwelling has a water usage rate of 271.7l/d (2.47 x 110l/d). 7 dwellings with 3 bedrooms each equals a total water usage rate of 1,901.9 l/d (271.7l/d x 7).

As Horsham District is in an area of water stress, in accordance with policy 37 of the Horsham District Planning Framework a condition is necessary requiring all residential development to comply with the Building Regulations Part G Optional Technical Standard, currently 110 litres per person per day.

At the time of writing, applications for some 1,144 homes and 43,079 m2 floor-space with a total mains water consumption of circa 312,418 litres per person per day have been granted planning permission since the 1st November 2025 (the day after Natural England withdrew its 2021 Position Statement). As such, there remains considerable capacity for the proposed development to be delivered without resulting in adverse impacts on the integrity of the Arun Valley sites

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 and therefore it is recommended that the prior approval is required and approved.

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
	864	748	116
		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: Application Permitted

Conditions:

2 **Pre-Commencement Condition**: No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with the National Planning Policy Framework.

3 **Regulatory Condition**: The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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/25/1868
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	Existing Site & Building 2	2508BE_000 REV 000	14.11.2025
Elevation & Floor plan	Existing Site & Building 2	2508BE_000 REV 000	14.11.2025
Elevation & Floor plan	Proposed Site & Building 2	2508BE_001 REV 000	14.11.2025
Elevation & Floor plan	Proposed Site & Building 2	2508BE_001 REV 000	14.11.2025
Supporting Docs	Highways Technical Note by Motion dated 24 June 2025	prship/2506039	14.11.2025

DELEGATED

Case Officer sign/initial JBurrowes Date: 06/01/2026

Authorising Officer sign/initial TDale Date: 07/01/2026