Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1764
Swains Farm, Brighton Road, Henfield, West Sussex, BN5 9RP

DESCRIPTION:
Prior Notification for demolition of existing rear lean-to extension and change of use of an agricultural building to 1no dwellinghouse (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/19/0253	Erection of a stable block containing 4.no loose boxes and tack room store	Application Permitted on 01.04.2019
DC/19/0282	Conversion of existing garage into habitable living space for the use of an annex ancillary to main dwellinghouse (Householder Application)	Application Permitted on 03.04.2019
DC/19/1701	Prior Approval for a proposed change of use of Agricultural Building to Dwellinghouses (Class C3)	Prior Approval Required and REFUSED on 22.10.2019
DC/19/2541	Prior approval for the change of use of agricultural building to 4 residential dwellings	Prior Approval Required and PERMITTED on 11.02.2020
DC/20/0031	Prior notification for the demolition of an agricultural building of steel frame and concrete construction with metal sheet cladding over concrete block walls and roofed with sheet material	Prior Approval Not Required on 05.02.2020
DC/22/2118	Prior Notification for Change of Use of an Agricultural Building to residential (Use Class C3) to form 4no dwellinghouses.	Prior Approval Required and PERMITTED on 04.01.2023
DC/24/0355	Construction of Sand School for Equine Use adjacent to Existing Stables	Application Permitted on 14.05.2024
DC/24/1164	Demolition of agricultural building and erection of 4nos residential dwellings.	Pending Consideration

SITE AND SURROUNDINGS:

The application site is north of the A281 Brighton Road and 0.75 miles east of Henfield and relates to an agricultural building sited within the curtilage of Swains Farm, a grade II listed building with associated agricultural buildings set within a farmstead. Swains Farmhouse is a Grade II listed building described by historic England, such that the agricultural building is considered curtilage listed. A public right of way lies to the east of the building. The building did not appear to be used extensively during the officer's site visit, with a van being stored as the predominant use.

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 1x dwellinghouse.

RELEVANT PLANNING POLICIES
National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

HDC Environmental Health: The application proposes to introduce a dwelling in immediate proximity to a yard and large outbuildings still in agricultural or commercial use. There is no restriction to prevent buildings in the vicinity of the proposed dwelling being used more intensely than at present. Such an intensification in activity could generate noise and disturbance that may adversely impact the amenity of the proposed dwelling. Further information is required from the applicant to demonstrate that the uses of these buildings and associated activities will not adversely impact the amenity of the occupiers of the proposed dwelling. 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 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.

If rainwater harvesting is proposed to meet water neutrality requirements it should be confirmed the structure is not roofed with materials containing asbestos or other chemicals that may contaminate the water and interfere with any treatment of the supply.

WSCC Highways: Change of use from agriculture to residential would result in fewer transport movements throughout the day. There is no evidence to suggest that the existing access is operating unsafely such that there is no evidence to suggest the change of use would exacerbate an existing safety concern.

Conservation officer: No Objection

Parish Comments:
None received

Representations:
None received

HUMAN RIGHTS AND EQUALITY:

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

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

PLANNING ASSESSMENT

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

Permitted development:

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 a single dwelling under Q(a)(i) as above. The building was considered to be of substantial construction in such a condition that structural works would not appear necessary for it to be converted to a C3 use.

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,**

There is no evidence from the officers site visit that the building was not used as part of the established agricultural unit on 24th July 2023.

(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.

Q.1 ai is relevant to this assessment.

(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 dwellinghouse would not exceed 83sqm with part of the agricultural building being demolished. This would involve the demolition of the northern concrete block section of the building.

(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 development would not be contrary to 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 building is not subject to an agricultural tenancy.

(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;

From research into the planning history of the site and the information submitted, the development would not be contrary to Q.1(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,

No works under these classes appear to have been undertaken in the last 10 years prior to the submission of this application.

(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),

No part of the development would extend beyond the external dimensions of the building at any given point.

(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,

Not relevant to this assessment with Class Q(a) being relevant.

(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);

Not relevant to this assessment with Class Q(a) being relevant.

(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 a scheduled monument and does not contain one.

(n) the building is a listed building

The building is not itself listed, however it is in the setting of a listed building (Swaims farmhouse).

(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 proposed dwelling would have four bedrooms on the first floor level and one on the ground floor spread over 150sqm and would have approximately 2.7m2. This is sufficient to comply with NDSS.

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

The access is shared by a range of buildings including residential buildings already and highways have commented that they have no objections to the proposal. The access arrangements are considered acceptable.

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 as the Local Highways Authority, no objection to the proposal has been raised. It is not anticipated that the proposal would represent a significant intensification in terms of vehicle movements relative to existing agricultural operations. While the existing access is single-carriageway, this is not unexpected to a rural location with good visibility along the main axis of the highway. There is no evidence that this existing access is inadequate or that the proposal would unacceptably influence the function or safety of the highway network. The proposal is not therefore considered to result in harm to the function or safety of the public highway network.

(b) noise impacts of the development

Environmental Health Officers have commented outlining that they would request further information to justify how the nearby agricultural activities, if they became more intensive would not result in unacceptable levels of noise. However, while some noise disturbance may be anticipated from agricultural operations in the field to the north and from vehicle movements on the shared private way, this would not be unexpected to a rural location or of such magnitude that would warrant an objection on the grounds of paragraph Q.2(b).

(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.

The building appeared to consist of asbestos cement corrugated roofing, and this has been confirmed as part of the structural report. While it would be beneficial to provide information regarding contamination and mitigation measures up front, it is considered that a suitably worded condition could be imposed if the application were approved.

(d) flooding risks on the site

The site lies outside of any designated Flood 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 application site is located within a countryside location, with the grade II listed building of Swains Farmhouse located to the northeast of the building the subject of the prior approval notification. This designated heritage asset forms the original historic farmhouse of the wider agricultural unit and is considered to be a good example of a modest farmstead situated on the edge of the Henfield Common.

(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 Conservation officer has raised no objection to the proposal in light of the nearby Grade II listed building. The proposed dwelling would be visible from the public realm given the proximity to the public bridleway to the east, however the form and modest scale of the building would not be overly domestic In its appearance, retaining some more utilitarian barn appearance that would be expected within this location. It would largely maintain the appearance of the site such that it would not appear out of context or at odds with the surrounding development.

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

There is a minimum of one window per habitable room such that there are no objections in this regard.

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, it is considered that the proposal would comply with all relevant limitations of Class Q, with no individual considerations that would warrant the refusal of prior approval, subject to the conditions listed below.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

1 **Pre-Commencement Condition:** 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 Policies 24 and 33 of the Horsham District Planning Framework (2015).

INFORMATIVES

Water Neutrality

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

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In order to demonstrate water neutrality, 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 could not be carried out until a decision of such application has been made. Further details can be found through:-

https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district/regulation-77-conservation-of-habitats-and-species-regulations

Bats

The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, tel: 0345 1300 228, email: equiries@bats.org.uk, web: http://www.bats.org.uk/

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/24/1764

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	Existing	140_02	14.11.2024
Roof plan	Existing	140_03	14.11.2024
Elevation plan	Existing	140_04	14.11.2024
Elevation plan	Existing and Section	140_05	14.11.2024
Floor plan	Proposed Ground	140_06	14.11.2024
Floor plan	Proposed First and Roof	140_07	14.11.2024
Elevation plan	Proposed	140_08	14.11.2024
Elevation plan	Proposed and Section	140_09	14.11.2024
Site plan	Existing	NONE	14.11.2024
Site plan	Proposed	NONE	14.11.2024
Plans	Access Plan	NONE	14.11.2024
Supporting Docs	Planning Statement	NONE	14.11.2024
Supporting Docs	Structural Report	NONE	14.11.2024

DELEGATED

Case Officer sign/initial	Hannah Darley	Date:	08.01.2025
Authorising Officer sign/initial	RHERMITAGE	Date:	08.01.2025