Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1053
The Old Dairy, Cowfold Road, Coolham, West Sussex, RH13 8QJ

DESCRIPTION:

Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse (Class C3)

RELEVANT PLANNING HISTORY:

DC/21/1847 Erection of single storey side extension. Application Permitted on 18.10.2021.

SITE AND SURROUNDINGS:

The site is located within a rural area characterised by farms and individually designed dwellings. The building sits at the end of the lane, accessed off Cowfold Road (A272) screened by the adjoining mature boundary trees and hedging, with fields surrounding to the north. The barn is not visible from public vantage points. The barn is not Listed nor within a Conservation Area.

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. residential 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: Comment

Commerical or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage or machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards, and hard standings.

To ensure the application is properly determined a preliminary risk assessment should be provided to ensure the application is properly determined.

Information with respect to water neutrality has been provided, which shows no mitigation is required.

WSCC Highways: Comment

The site is located off Coolham Road, an A-classified road subject to a speed restriction of 30 mph in this location.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from agricultural to residential (Class C3) subject first to prior approval being granted. As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport. However, the GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

Generally, the change of use from agricultural to residential dwelling would generate 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 the potential of the current use.

From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on Brighton Road. An inspection of collision data supplied to WSCC by Sussex Police over a period the past five years reveals there have been no recorded collisions attributed to road layout within the vicinity of the site access. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The WSCC parking demand calculator expects that a minimum of two car parking spaces would be required for a dwelling of this size and location. The plans demonstrate suitable parking provision for two cars in the plans. The LHA would recommend that secure and covered cycle parking is provided for the dwellings in order to encourage sustainable transport methods.

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.

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

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,

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 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 states that the barn was solely in agricultural purpose as part of the wider farm in 2013, with no changes of use or non-agricultural uses of the barn since. On this basis of this information, it is considered that the barn has been on an established agricultural unit that has existed for at least 10 years, and was on the 24th July 2023.

It is noted that there were concerns that work had commenced on the conversion prior to the application, as a wall had been erected similar to those for the entrance hall on the proposed floor plan. However, upon receiving the existing plans, it is noted that these walls have previously been installed and are not in the same position to the proposed entrance hall. In this case, it is the view that work has not commenced on the development and therefore the building still benefits from permitted development rights.

It is therefore considered that the proposal would adhere to the above criteria, and it is considered that the limits at Q.1(a) are not exceeded in this instance.

(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 states that the barn was solely in agricultural purpose as part of the wider farm holding on 20th March 2013, with no subsequent change of use or non-agricultural uses of the barn.

(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,

One dwellinghouse is being developed under Class Q, with the resultant floor space of 69.03sqm which would not exceed 150sqm. The proposal is considered to meet the requirements of (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 total number of dwellings provided within the agricultural unit would be one. The proposal is considered to meet 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 began -

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 not result in the external dimensions of the building being extended.

(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 propose any extension to the existing building, all works will be confined within the existing footprint.

(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 application has not been accompanied by a structural survey. Whilst no structural survey has been provided, during a site visit, the building's structure was assessed, and it was considered limited works would be needed to convert the building into residential use. The structure has a wooden exterior and a galvanised metal sheet roof. All structural elements will be retained but the galvanised roof would be replaced with tiles. Windows are proposed on each elevation, to varying levels of glazing. Doors are proposed on the west and east elevation. Internal walls and floors would be installed as well as insulation to the floors, walls, and roof. The external structure would remain the same dimensions as existing, 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

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 building measures 69.3sqm which would meet the nationally described space standards for a one-bedroom dwelling with the additional provision of built-in storage. The dwelling 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 Cowfold Road (A272) which is a public highway, and the existing access is suitable to serve an additional residential dwelling.

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 an existing access to the public highway. Following consultation with WSCC Highways as the Highway Authority, no objection to the proposal has been raised. Two car parking spaces can be provided for the dwelling, which would be sufficient for a dwelling of this size and occupancy. The proposal is not considered to result in harm to the function or safety of the public highway network.

(b) noise impacts of the development,

Paragraph 180 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 191 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 in close proximity to other residential buildings, as well as open countryside to the north and east. The planning statement states that the proposed development is well located in relation to adjacent residential dwellings, in any event any noise impacts in relation to residential accommodation on the site would be less than the equivalent agricultural activity with associated commercial vehicle movements. Also, thermal insulation will provide significant acoustic insulation which will reduce any potential noise impacts. 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 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.

No contamination reports have been submitted to support this application. The planning statement states that the barn has only been previously used for the keeping of livestock, storage of hay, feed and agricultural plant, and there would be no contamination issues arising. It is however considered that this additional information can 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 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, and

The subject building is in close proximity to existing residential units along Cowfold Road and Coolham Road which are domestic in character. There are no active farm buildings in the vicinity and agricultural use has ceased on site. Given this context, the residential conversion is generally considered commensurate to the surrounding uses and acceptable in this regard.

The site is not affected by any statutory or non-statutory landscape, biodiversity, or heritage designation. 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, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The proposed conversion of the building would utilise the existing openings, with the creation of limited new openings within the building. The proposed elevations illustrate that the external appearance of the building would be retained as far as possible. The proposed material palette is deemed appropriate to a rural setting and would reflect the existing utilitarian character and its surrounding. No objections are therefore raised in regard to design or external appearance.

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

Part X of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 defines "curtilage" for the purposes of Class Q as:

"the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser"

This area would be no greater than the existing building, and would comply with Part X.

Others 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.

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 could not 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 which would warrant the refusal of prior approval, subject to the conditions listed below.

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	69.03	69.03	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 PERMITTED

Conditions:

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:
    a. all previous uses
    b. potential contaminants associated with those uses.
    c. a conceptual model of the site indicating sources, pathways, and receptors.
    d. 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).

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/24/1053
(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
Location plan	Location Plan	LOC1 REV A	09.07.2024
Block plan	Block Plan as Proposed	PBP REV A	09.07.2024
Elevation & Floor plan	Plans as Proposed	PFP1 REV A	09.07.2024
Elevation & Floor plan	Plans as Existing	EFP1 REV A	29.08.2024
Block plan	Block Plan as Existing	EBP REV A	29.08.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 02.09.2024

Authorising Officer sign/initial Tamara Dale Date: 02.09.2024