Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1810
Land North of West Wantley Barn, Fryern Road, Storrington, West Sussex,

DESCRIPTION:
Prior Notification for Change of Use of an Agricultural Building with erection of a single storey rear extension to 1no dwellinghouses (C3 Use Class).

RELEVANT PLANNING HISTORY:

DC/24/1153	Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse (C3 Use class).	Prior Approval Required and PERMITTED on 13.09.2024.
DC/19/2433	Conversion of existing barn to a detached dwelling with associated parking and erection of a single storey rear extension	Application Refused on 30.01.2020. Appeal Dismissed on 02.09.2020

SITE AND SURROUNDINGS:
The subject building lies to the east of Fryern Road within a rural area characterised by farms and individually designed dwellings. The barn is screened from public vantage points by mature boundary trees and hedging. 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 a single dwellinghouse with the erection of a single storey rear extension.

RELEVANT PLANNING POLICIES
National Planning Policy Framework

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: -

The ground on the site has the potential to be contaminated. Taking into account the proposed residential use of the site, a land use that is sensitive to the presence of contamination, to ensure the site is suitable for residential development the application should be supported by a preliminary contamination risk assessment (PCRA), undertaken by a suitably competent and experienced environmental consultant.

During site clearance, preparation, and construction there is the potential for local residents to experience adverse impacts from noise, dust, and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan will be recommended as a condition, once we are happy that the above matters have been addressed.

WSCC Highways: Comment: -

The site is located off Fryern Road, a C-classified road subject to national speed limit in this location. 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 Fryern Road. An inspection of collision data supplied to WSCC by Sussex Police over a period of the past five years reveals there have been no recorded collisions 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 three car parking spaces would be required for a dwelling of this size and location. The plans demonstrate suitable parking provision for three cars in the plans. The LHA would recommend that secure and covered cycle parking is provided in accordance with WSCC Parking Standards, to encourage sustainable transport methods.

Southern Water: No Objection. Southern water has determined the Flow rate for the above site will remain the same/similar as capacity is not an issue and no southern water assets will be affected. Therefore, Southern water has no objections to this proposal.

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. The application form has confirms that the post-May 2024 permitted development right is relevant to the development.

Permitted development:

Q. Development consisting of—

(a) a change of use –
- **(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or**
- **(ii) a former agricultural building that was (but no longer) part of an established agricultural unit and any land within that building's curtilage**

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of the Schedule or to extend that building.

Prior approval consent is sought to convert the existing agricultural building into 1 dwellinghouse together with an extension of the building and related building operations.

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. A previous Class Q was permitted at the site in September 2024 (ref: DC/24/1153), this was under the old Class Q regulations. Using this, it has already been confirmed that the barn was part of the wider agricultural holding and used to house pigs. There have been subsequent planning applications on the site relating to residential development, but these have either been withdrawn or refused. There have been no subsequent non-agricultural uses on the site. The barn remains last in use for agricultural purposes. An appeal at the application site ref: APP/Z3825/W/20/3250265, confirmed that the barn has previously been in use for agricultural purposes. On the basis of the above, it is considered that the barn has been part of an established agricultural unit and would adhere to the above criteria.

(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 previous Class Q application confirmed 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,

The scheme includes an enclosed triple car port which would form an integral part of the dwellinghouse. It is considered this enclosed space would form floor space for the purposes of the above limitation, and once included the dwellinghouse would have a floor area in excess of 150 sq metres.

(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 floor space 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 extension would be less than 4 metres, extend out the rear elevation and the eaves and ridge would be lower than the existing. The extension would extend onto an area of land which appeared on the Officer's site visit to comprise grass and soil / gravel which was not so substantial as to amount to an area of hardstanding. It would therefore not be sited on land that is considered by the Officer to be hard surface and, even if it were, it is not apparent it would meet the time limitations set out on (vii). The extension would not therefore comply with Class Q(i).

(j) the development under Class Q(b) would consist of building operations other than—
- **(i) the installation or replacement of—**
  - **(aa) windows, doors, roofs, or exterior walls, or**
  - **(bb) water, drainage, electricity, gas, or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and**
- **(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);**

Paragraph 105 of the Planning Practice Guidance in relation to building operations states the following:

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

The application has not been accompanied by a structural survey. While no structural survey has been provided, the soundness of the structure has been assessed during a site visit for the previous Class Q application. It is considered limited works would be needed to convert the building into the residential use. The structure has a concrete base, some brick walls, metal sheet roof and steel posts as well as timber walls. Windows are proposed on the south, north and west elevations, to varying levels of glazing. Doors are proposed on the north and south elevations. With the open section of the barn, exterior walls are proposed to infill this section, with the open timber structure kept open to be utilised for car parking for up to three cars. There is no evidence that the building is unsuitable for conversion in its current state.

While recognised that the proposed conversion would involve some alterations to the structural fabric of the building, the subject building would appear capable of conversion in its own right. The infilling of the existing opening is deemed to be reasonably necessary to support a residential use as permitted under Q.1(i). The measures are not considered to be of such 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 internal floor area of the existing building, including the currently open section (and proposed car port) but excluding the proposed extension, would be in excess of 75 sqm.

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

The site is accessed off Fryern Road which is a highways-maintained road, and the existing access is suitable to serve an additional dwelling. The access has facilitated the agricultural use for several years.

It is therefore considered that the development would not be permitted by Class Q, Q.1(i) and (o). While the proposal is not considered to represent permitted development, the prior approval matters have been considered for completeness, as set out below: -

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 and the driveway would be sufficient to accommodate the necessary parking demand for the site. Following consultation with WSCC, as Local Highway Authority, no objection to the proposal has been raised. The proposal is not considered to result in harm to the function or safety of the public highway network.

(b) noise impacts of the development

The subject building is considered to be well located in relation to adjacent residential dwellings, at the end of a lane, surrounded by fields. The planning statement states that any noise impacts in relation to residential accommodation on the site would be less than the equivalent agricultural activity with associated commerical vehicle movements. To comply with building regulations, the level of thermal insulation required within the building will provide significant acoustic insulation. Given this context, it is not considered that the proposed development itself would result in demonstrable harm to the amenities of 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 application form states that on the basis that it is confirmed that the barn has only been previously used for the keeping of livestock, storage of hay, feed and agricultural plant, there would be no contamination issues arising. Environmental Health were consulted on the application and considered that given the historic agricultural use on the site, the land is potentially contaminated. In order to ensure that the site is suitable for residential development, the application should be supported by a preliminary contamination risk assessment. It is considered that if necessary this could be secured through an appropriate condition.

(d) flooding risks on the site

The site lies outside any area subject to flood risk. No concerns in respect of flooding are therefore raised.

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

The subject building is located close to the existing residential dwellings along the access track, which are domestic in character. There would be limited impact on neighbouring amenities, as the closest neighbouring dwelling is located approximately 31m from the proposed dwelling. 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 existing building, although of no particular architectural merit, has a low-key appearance which is befitting of its agricultural use and character. The proposal would introduce a series of gabled projections across the rear elevation, which together with the proposed window arrangement and proportions would create a more domesticated appearance to the building, with more in common with suburban residential development than a converted former agricultural building. The design and external appearance of the building is not therefore considered appropriate in this location.

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

The submitted plans indicate that all habitable rooms would be served and benefit from sufficient windows to ensure adequate provision of natural light for future occupants. The proposal is therefore considered to meet the requirements of (g).

In conclusion, the Council considers that the proposal would comply with the criteria under the Order as set out above.

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 not comply with all relevant limitations of Class Q. Prior approval is therefore required and refused.

Recommendation: Prior Approval Required and REFUSED

1. The development would include an extension which would extend over an area of land not laid to hard surfacing. The development would not therefore be permitted by Class Q, Q.1(i), of Part 3 within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

2. The dwellinghouse would have a total floor space which exceeds 150 square metres. The development would not therefore be permitted by Class Q, Q.1(o) of Part 3 within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

3. 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 therefore 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/24/1810
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

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

Plan Type	Description	Drawing Number	Received Date
Location plan		LC1 REV A	21.11.2024
Elevation & Floor plan	Existing	2406OL_R2_100 REV 000	21.11.2024
Elevation & Floor plan	Proposed	2406OL_R2_200 REV 000	21.11.2024
Elevation & Floor plan	Approved	2406OL_R2_101 REV 000	21.11.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 14.01.2025

Authorising Officer sign/initial Guy Everest Date: 15.01.2025