Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0245
Delspride, Kent Street, Cowfold, West Sussex, RH13 8BB

DESCRIPTION:
Prior Notification for the Change of Use of an existing poultry shed to a car storage facility.

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| DC/22/0468 | Prior notification for the change of use of an agricultural building to flexible commercial use(s) to form an assembly workshop to be used for design, production and assembly of handmade cabinetry. | Prior Approval Required and PERMITTED on 29.04.2022 |

LEGISLATION
**Town and Country (General Permitted Development) Order, 2015:**
Schedule 2, Part 3, Class R – Agricultural Buildings to a Flexible Commercial Use

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:

**WSCC Highways**:
This application seeks prior approval for the change of use of an existing poultry shed to a car storage facility. The site is located off Kent Street, an unclassified road subject to national speed limit. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) requests more information from the applicant, subject to the following comments:

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.

Limited information has been submitted regarding the proposed car storage operation. Can the applicant provide more details of the proposed use, that being the number of vehicular movements the use will generate, and types of vehicles that would be expected to serve the use.

Parish Comments:
Cowfold Parish Council makes a neutral return in respect of this planning application. The decision relates to West Sussex County Council's request for supplementary material to be provided. The Parish Council asks that these additional documents are also shared with the Clerk to further inform parish councillors.

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

A prior notification under Class R of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order (2015) was received by the Council on 12 February 2025 for a change of use of an existing agricultural building to a car storage facility- flexible use within Storage or Distribution (Use Class B8), Hotels (Use Class C1),Commercial/ Business/ Service (Use Class E).

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 flexible commercial use under Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**R.1 Development is not permitted by Class R if—**

**(a) the building was not used solely for an agricultural use as part of an established agricultural unit—**

**(i) on 3rd July 2012;**
**(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or**
**(iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;**

The building forms part of the wider Delspride Farm estate. The submitted planning application states that the site was in use solely for an agricultural use as part of an established agricultural unit on 03 July 2012. The Council's aerial photography demonstrates that the building in question was erected between 2001 and 2007. In 2013, an application was received and approved by the Council (DC/13/2445) to temporarily move the chicken sheds, import soil to regrade the land levels, and re-position the sheds on their current position. The building has been in its current position since at least 2007, save for a temporary period when the building was moved for the soil importation. At the time of the Officer's visit there was no immediate evidence that the chicken shed had remained in recent agricultural use and it is known that the chickens vacated the site in 2020. The building appeared to be vacant and could still be operated for its intended purposes. Furthermore, given the condition of the building, Officers consider that it is highly unlikely that the building has been vacant since it was relocated in 2013. As such, based on the information to hand, Officers are satisfied that the building was used solely to agricultural use as part of an established agricultural unit on 03 July 2012.

**(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;**

The building subject of this prior approval is some 485.5m$^2$ in size

**(c) the site is, or forms part of, a military explosives storage area;**

Not applicable.

**(d) the site is, or forms part of, a safety hazard area; or**

Not applicable.

**(e) the building is a listed building or a scheduled monument.**

Not applicable.

**R.3(1)(b)– Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must—**

**(b) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—**

**(i) transport and highways impacts of the development;**
**(ii) noise impacts of the development;**
**(iii) contamination risks on the site; and**
**(iv) flooding risks on the site,**

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

The building subject of this prior approval is some 485.5m$^2$ in size, and was formerly used as a poultry shed in connection with the agricultural operations of Delspride Farm. The application states that the building would be used for a car storage facility. As the building proposed to be converted exceed 150m$^2$ the Local Planning Authority must consider the proposal's impact on transport and highways, noise, contamination, and flood risks:

**Transport and Highways Impact**

Delspride is sited south of a private lane (also a Public Right of Way, ROW2699) to the east of the adopted highway, Kent Street. The access to the existing poultry shed is formed at the end of the track, travelling further south through the farm, and past existing agricultural buildings. This private access driveway seems to serve a small number of residential, commercial, and agricultural uses. No changes to the access way are proposed.

WSCC Highways have requested details of the proposed use and vehicular movements the use will generate, and types of vehicles that would be expected to serve the use. The car storage will likely include one or two rare or vintage cars being moved per week as it is for car storage and not for car sales or workshop use (which may involve more trips). It is considered to be of a less intensive use than the existing agricultural use and the approved cabinetry workshop (DC/22/0468), and it would be difficult to substantiate that the proposed will result in a material intensification of use of the access point onto the wider maintained highway network, Kent Street.

Given the availability of hardstanding on and surrounding the site, it is considered that the parking provision required in association with the proposed car storage could be suitably accommodated.

With the above in mind, no objection is raised on highways grounds.

**Noise Impact**

The site is currently in agricultural use, and hosts numerous buildings on the site, including: residential dwellings (to the north); poultry sheds, and; agricultural storage buildings. The proposed use (car storage) would be unlikely to result in additional noise emissions over and above the existing permitted uses, or which would have a detrimental impact on neighbouring residential amenity.

With the above in mind, no objection is with regards to the resultant noise impact of the proposal.

**Contamination Risk**

The site is currently in agricultural use as a poultry shed – therefore, there may be a potential contamination risk on the site. The Council's Environmental Health Officer has commented on this matter and have suggested conditions relating to unknown contamination risk and site clearance. Given the existing use of the site, and the associated risk of contamination, these conditions are considered relevant and necessary in order to ensure that the development would not result in risk to human health.

As such, subject to the adherence to these conditions, no objections are raised with regards to contamination risk.

**Flood Risk**

The site is not located within a floodzone 2/3. The Council's Drainage Engineer has commented on the previous Prior Notification and stated that there are no flood risk implications associated with the proposal. The proposal does not include any additional built form or hardstanding. It is not anticipated that changing the use of the building from agricultural to storage use would result in any increase water run off over and above the existing arrangement.

With this in mind, the prior approval is therefore considered acceptable in terms of flood risk.

**Other Matters**

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**

Class R only allows for a change of use and not for any associated operational development. It is recognised that any associated operational development that affects the external appearance of the building would also require a separate grant of planning permission to authorise it. This is referred to in Parts R.3(3) and (4) of Class R Part 3 Schedule 2 of the GPDO. Any building operations to the structure to facilitate the change of use would require planning permission in its own right, unless they do not meet the definition of development under Section 55(2)(a) of the Town and Country Planning Act.

With the above considerations in mind, Officers are satisfied that the proposal accords with the criterion set out within Class R of Schedule 2 Part 3 of the General Permitted Development Order (2015, as amended). Statutory consultees have confirmed that the conversion of the building from agricultural use to storage would not result in an increased risk of flooding, transport or highways impact, harm to human health from contamination, or adverse noise disturbances. As such, the Local Planning Authority consider that prior approval is required and can be permitted in accordance with the submitted details and plans, subject to the attached conditions and informatives.

**Recommendation: Prior Approval Required and PERMITTED**

Conditions:

**1** **Regulatory Condition**: All works of demolition, construction and ancillary activities, including deliveries and dispatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

2 **Regulatory Condition**: If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: 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).

NOTE TO APPLICANT

All site clearance waste and construction waste shall be removed from site by an appropriately licensed waste removal contractor including all asbestos waste. No burning of demolition, construction, site clearance or other materials shall be undertaken on site.

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/24/0245**

Schedule of plans/documents **approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Floor plan | As existing | NONE | 12.02.2024 |
| Floor plan | As proposed | NONE | 12.02.2024 |
| Location plan | | 01 | 12.02.2024 |
| Block plan | | 02 | 12.02.2024 |

**DELEGATED**

| | | | |
|---|---|---|---|
| Case Officer sign/initial | Kate Turner | Date: | 04.04.2024 |
| Authorising Officer sign/initial | RHERMITAGE | Date: | 05.04.2024 |