DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0703
Bentons Place , Hooklands Lane, Shipley, West Sussex, RH13 8PY

DESCRIPTION:

Prior Notification for Change of Use of Agricultural Buildings to 7no. dwellinghouses.

RELEVANT PLANNING HISTORY:

DC/21/0901	Prior notification for the existing track and gateways to be resurfaced.	Prior Approval Not Required on 01.07.2021
DC/25/0008	Application to confirm that on the balance of probabilities the bund was 87% substantially complete by September 2019 (Lawful Development Certificate - Existing)	Application Refused on 08.04.2025
DC/25/0121	Prior notification for the demolition of an agricultural barn.	Prior Approval Not Required on 21.02.2025
DC/25/0122	Proposed installation of cladding and doors to existing barn	Application Permitted on 31.03.2025

SITE AND SURROUNDINGS:

The site is accessed via Hooklands Lane and then via an existing public right of way (№ 1886). The two barns are located roughly 100m west and southwest of Grade II Listed Bentons Place. Both barns face opposite each other with the larger barn to the north with the smaller barn positioned south. The To the east sits agricultural land.

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

RELEVANT PLANNING POLICIES

National Planning Policy Framework

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

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

HDC Conservation: No Objection

There will be an impact within the setting of the listed building but I am satisfied there will be no greater harm than currently exists.

HDC Environmental Health: No Objection

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

In accordance with the recommendations of the Planning Practice Guidance, information is required on these matters and 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.

Information is also required on measures to address water neutrality requirements

Southern Water: Comment

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

No existing public sewer in vicinity
There are no public sewers in the vicinity of the proposed development. Under New Connections Charging it is the responsibility of the developer to provide the sewerage infrastructure up to the point of practical connection. The applicant is advised to investigate the feasibility of this connection or examine alternative means of foul sewage disposal in consultation with the appropriate authorities

WSCC Highways: Comment, No Objection

The proposed application states change of use of an agricultural buildings to 7 dwellings, however the application form states 8 dwellings. The plans provided shows 5 x 3 bed dwellings in one building and 2 x 3 bed dwellings in the other building.

The access from the site onto Hooklands Lane is constructed with a bonded surface. Visibility is limited, however this can be improved with the removal of vegetation. Hooklands Lane itself is a single track country lane with verges and hedging on both sides. The Lane continues to the south for several miles as single track until the Spear Hill Junction and to the north at the junction with Saucehill Lane. There are sporadic places to pass other vehicles in the form of verges and occasional driveways, however there are no formal passing places.

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

Further comments were then received on 16/07/2025 with no objection to the proposal:

“Likely existing and proposed traffic levels have been considered along with current traffic levels and speeds of vehicles using Hooklands Lane. Improvements have been made to the vehicle access by removing vegetation and proposing a condition to ensure visibility is maintained.

Whilst an ATC was considered inappropriate for this location speeds were observed to be a maximum of 35mph with 85 [percent]ile speeds likely to be lower. Traffic levels outside of peak times were observed to be 20 cars per hour"

"Traffic generated by the proposed 7 dwellings has been estimated at 32 two-way movements per typical weekday which is highway than average existing levels for the farm use. However, it is recognised that at certain times of year the farm use will have generated higher levels of traffic. No parking provision been shown on the plans or detailed in the application, however there appears to be ample spaces within the curtilage of the site for parking".

Parish Comments:

None received

Member comments:

None received

Representations:

1 Letter of Representation was received from 6 addresses. This letter objected to the proposal on highways grounds.

HUMAN RIGHTS AND EQUALITY:

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

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

ASSESSMENT

Permitted development

Q. Development consisting of—

(a) a change of use of—
- **(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or**
- **(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,**

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

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

Development not permitted

Q.1 Development is not permitted by Class Q if—

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

Paragraph X of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 ('interpretation of Part 3') states that 'agricultural building' means a building used for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouses, and 'agriculture use' refers to such uses.'

Section 336(1) of the Town and Country Planning Act 1990 states that 'agriculture' includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where the use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly.

The site has previous planning history relating to an agricultural purpose including application SP/19/02 (Prior notification to erect an agricultural storage building) and DC/19/1458 (Change of use from an agricultural and workshop building to form x7 small industrial units). It is not considered the works under DC/19/1458 were implemented and the site in effect remains in its previous agricultural use. The site visit shows both northern and southern barns to be vacant though the northern barn shelters a caravan. On the basis of evidence available to the Local Planning Authority, and on a balance of probability, it would be considered that the site would have been part of the established agricultural unit on 24th July 2023.

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

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

N/A

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

The northern barn is to be converted into 5 dwellinghouses ranging from 124m^2 to 137m^2 with the southern barn to be converted to 2 dwellinghouses at 138m^2, in accordance with (c).

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

The proposed seeks prior approval for 7 units. In total, the cumulative footprint for the dwellings is 916m^2 abiding with (d)

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

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

(f) less than 1 year before the date development begins—
- **(i) an agricultural tenancy over the site has been terminated, and**
- **(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;**

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

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
- **(i) since 20th March 2013; or**
- **(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;**

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

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—
- **(i) extension of the building allowed by paragraph Q.1(i);**
- **(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),**

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

(i) the development under Class Q(b) would result in an extension that—
- **(i) has more than one storey,**
- **(ii) is sited anywhere other than to the rear of the existing building,**
- **(iii) extends beyond the rear wall of the existing building by more than 4 metres,**
- **(iv) has eaves the height of which exceed the height of the eaves of the existing building,**
- **(v) is higher than whichever is the lower of—**
  - **(aa) the highest part of the roof of the existing building, or**
  - **(bb) a height of 4 metres above the ground,**
- **(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or**
- **(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—**
  - **(aa) the hard surface was not provided on the land on or before 24th July 2023, or**
  - **(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,**

Paragraph 105 of the Planning Practice Guidance in relation to building operations states the following:
'Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to

function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.'

The proposed works include extensions to the north and south barns, both extending to 4m and positioned to the eastern elevation. In considering the orientation of the buildings and their relationship with the access into the site, it is considered that both these extensions would extend from the side elevations of the barns and therefore do not abide with (i), (ii).

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

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

(k) the site is on article 2(3) land;

The site is not on article 2(3) land.

(l) the site is, or forms part of—
- **(i) a site of special scientific interest;**
- **(ii) a safety hazard area;**
- **(iii) a military explosives storage area;**

The site is not within any of these areas.

(m) the site is, or contains, a scheduled monument; or

The site is not and does not contain a scheduled monument.

(n) the building is a listed building

The building is not a listed building.

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

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

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

The barns are served via Hooklands Lane, an unadopted track that is part of the PROW system (path 1886). It would be considered that the barns are located well to use this.

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before

beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

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

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

The LHA were reconsulted after a transport assessment was provided to the Local Planning Authority. It was noted improvements to access were made with a condition recommended to be attached to ensure that highway safety remains focal regarding visibility splays. It was considered that 7 dwellings is likely to eclipse the existing agricultural use but it noted that seasonally farm usage would exceed that of the trips generated via residential usage. Parking provision was noted as to be conditioned however it is considered that this cannot be affixed.

Given their view that "[it] is unlikely the Highway Authority would raise an objection given the low level of traffic likely to be generated by 7 dwellings" in the LHA original comments, it would be considered that the proposal would be unlikely to generate a level of traffic that would be harmful. With visibility splays secured via condition, it would be considered that access and highways impact would be kept to an acceptable level. The site would be well connected to a PROW and it is not considered that the proposal would result in a undue intensification of vehicle movements which would not threaten the integrity of the highway.

(b) noise impacts of the development,

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

(c) Contamination risks on the site,

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

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

No information in respect of Contamination Risk has been submitted in support of the application. While it would be beneficial to provide this information up front, a suitably worded condition would be recommended to secure full detail as to contamination risk and any relevant remediation measures.

(d) flooding risks on the site,

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

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

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

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

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

The proposed works would involve the alteration and addition of windows and doors into each of the buildings. The level of fenestration to both barns is considered in excess of what would be expected from a barn conversion with a multitude of windows and doors to all elevations considered to detract from the utilitarian ethos of the barns and therefore would be out of character. The level of glazing and the proposed detailing is considered to be overly domestic in character and appearance, where it is considered that the design would fail to meet (f).

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

Each habitable room serving each of the dwellings would benefit from access to natural light from the proposed new door, window and roof light apertures to be installed on the elevations of the building. It is considered however, that the proposal is not of the highest standard with the living rooms in part of the north barn's conversion served by roof lights. However, as they would be served by some degree of natural light, no objection is raised on these grounds.

Other Matters

Water Neutrality

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

"Subject to the provisions of this Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2."

Section 75 of the Conservation of Habitats and Species Regulations 2017 states that *"it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which –*

(a) Is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) Is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority)."

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

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

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
	916	750	166
		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 REFUSED

Reason(s) for Refusal:

1. The proposed works include extensions to both the north and south barns, with both extensions projecting to 4m and positioned to the eastern elevation. Given the orientation of the barns, the layout of each (including the primary access), and their relationship with the access into the site, both of the proposed extensions would extend from the side elevation of each barn. The proposal does not therefore accord with Q.1(i)(ii) of Class Q of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

2. The proposed works would involve the addition of windows and doors into each of the buildings. The amount of fenestration and the associated detailing to both barns would result in a multitude of windows and doors to all elevations which would appear overly domestic in character and appearance. The resulting glazing would detract from the utilitarian ethos of the barns and would therefore be out of character. The design would fail to meet Q.2(f) of Class Q of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in

determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0703
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	Site & Building 2	2412BE_R0_000 REV 000	29.04.2025
Elevation & Floor plan	Proposed Site & Building 2	2412BE_R0_001 REV 000	29.04.2025
Elevation & Floor plan	Site & Building 1	2412BE_R0_000 REV 000	29.04.2025
Elevation & Floor plan	Proposed Site & Building 1	2412BE_R0_100 REV 000	29.04.2025

DELEGATED

Case Officer sign/initial JBurrowes Date: 17/07/2025

Authorising Officer sign/initial TDale Date: 28/07/2025