Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0571
Duckmoor Barn, Wooddale Lane, Billingshurst, West Sussex, RH14 9DZ

DESCRIPTION:

Prior Notification for Change of Use of Agricultural Building to 1no. dwellinghouse.

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| DC/20/2607 | Outline Application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access. | Application Refused on 06.04.2021. |
| DC/23/1820 | Non Material Amendment to previously approved application DC/20/2607 (Outline Application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access) to Change the wording of Condition 21 to the following: No development approved pursuant to the outline planning permission hereby permitted shall commence until planning permission for the works required to deliver the off-site water neutrality measures at Dedisham Farm as set out in the Motion Technical Note TN03 dated 29 September 2023 (subject of planning application DC/22/1947 and DC/23/1764) have been permitted. | Application Permitted on 19.10.2023. |

SITE AND SURROUNDINGS:

The application site comprises an agricultural barn within an agricultural holding situated in the countryside, approximately 1km to the east of Billingshurst. The barn is standalone, with no buildings on the site and is largely surrounded by woodland. The site is accessed via a track/drive leading from Woodale Lane to the north and would serve the residential dwelling.

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.

The barn is formed of a steel frame with brickwork and fibre cement sheet walls and a fibre cement roof over. A square portion of the existing barn does not form part of the prior notification proposal.

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

The Preliminary Contamination Risk Assessment dated May 2025 prepared by Environmental Assessment Services Limited has recommended that:

"10.1 Further investigation and remediation is required in relation to the proposed redevelopment of this site. The scope of such works should be agreed with the local planning authority / Environmental Health."

If the application is approved, it is recommended that conditions are attached.

**WSCC Highways**: Comment

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.

This proposal seeks prior approval for the change of use from agricultural building to residential to form a single dwelling. The site is located on Wooddale Lane, an unclassified road subject to national speed limit.

Generally, the change of use from agricultural to residential 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 current use.

An inspection of collision data supplied to WSCC by Sussex Police over a period the past five years reveals there have been no recorded injury collisions within the vicinity of the site. 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 Car Parking Demand Calculator indicated that a development of this size in this location would require three car parking spaces. From inspection of the plans, there appears to be space within the site for this demand to be accommodated, but the LPA may wish to secure parking via condition. The site exhibits suitable space for cars to turn and exit in a forward gear. The LPA are also advised that they may wish to secure cycle parking provision, to promote sustainable travel.

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. The prior approval is therefore considered acceptable in highway terms.

Parish Comments:

No Objection.

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 permitted development right for Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 was amended on 21 May 2024 to broaden the range of buildings that could be converted to dwellings, allow extensions to the building, and to increase the total number of dwellings from 5 to 10. Until 21 May 2025 applicants can choose to use the previous version of the permitted development as it stood prior to 21 May 2024 or the amended development right. The applicant has ticked that they wish to use the permitted development right as it stood prior to 21 May 2024, so the application has been assessed against this.

**Permitted Development**

**Q. Development consisting of—**

**(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or**

**(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.**

**Development not permitted**

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

**(a) the site was not used solely for an agricultural use as part of an established agricultural unit—**
**(i) on 20th March 2013, or**
**(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 site which was brought into use after 20th March 2013, 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 comprises an agricultural building. Planning application BL/37/88 from 1988 states that the building was a sheep shed and hay barn. The planning statement states that the barn has been used solely for an agricultural use as part of an existing agricultural unit and it was in such use on 20 March 2013. With no evidence to the contrary, it is considered that the proposal would meet the requirements of (a).

**b) in the case of—**
- **(i) a larger dwellinghouse, within an established agricultural unit—**
  - **(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or**
  - **(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;**

The proposal seeks to provide 1no five-bedroom dwellinghouse, with floor area as follows: 273.5m2.

The proposed unit would be considered as a 'larger dwellinghouse' for the purposes of Q.1(b). The proposal is considered to meet the requirements of (b)

**(c) in the case of—**
- **(i) a smaller dwellinghouse, within an established agricultural unit—**
  - **(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or**
  - **(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;**

No smaller dwellinghouses are proposed as part of this application, and 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 an established agricultural unit would result in either or both of the following—**
- **(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;**
- **(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;**

One larger dwellinghouse is proposed with a floor area of 273.5m2, this would not exceed the 465 square metres or exceed 5 units, which is considered to meet the requirements (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—**
**(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;**

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;**

The submitted plans demonstrate that the proposal would not extend beyond the external dimensions of the existing building at any given point. The proposal, therefore, is considered to meet the requirements of (h).

**(i) 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. The evidence from the site visit suggests that parts of the building structure have failed, with no evidence of foundations or made floor to the building. There are therefore concerns that the building structure would not be capable of accommodating the proposed conversion without the addition of structural elements. Without a structure survey to demonstrate that the building is capable of conversion, and given the concerns raised, there is significant doubt whether the structural frame would be capable of supporting the alterations necessary to carry out the conversion to residential use. In addition, a new floor would be required, with the requirement to provide foundations also highly likely. For these reasons, it cannot be concluded that the proposed development would accord with Q.1(h).

**(j) the site is on article 2(3) land;**

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

**(k) 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.

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

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

**(m) the building is a listed building**

The building is not a listed building.

**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,**

The proposal would utilise an existing access from Wooddale Lane and the driveway would be sufficient to accommodate the necessary parking demand for the site. Following consultation with WSCC Highways as the Highways Authority, no objection to the proposal has been raised. The WSCC parking demand calculator expects a minimum of three car parking spaces to be required for a dwelling of this size and location, and from inspection of mapping, this could be accommodated sufficiently on site. 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 187 of the National Planning Policy Framework (NPPF) requires development to prevent both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 198 of the NPPF continues that planning decisions should also enure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The subject building is located approximately 90m from Duckmoor Farmhouse and 0.31km from the built-up area boundary of Billingshurst. The proposal would create one dwelling, with a residential use not considered to generate harmful noise and disturbance. The agricultural use of the surrounding land will not result in any adverse impact upon the residential amenities of future occupiers. 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.

The application is supported by a preliminary contamination risk assessment. The report concluded that potential for moderate contamination has been identified, with the agricultural use, vehicle storage and fire damage, likely to have caused ground contamination. There are also building materials on site likely to contain asbestos. 10.1 of the report recommended that further investigation and remediation is required in relation to the proposed redevelopment of the site. Environmental Health agreed with the recommendation for further investigation and recommended a condition be imposed to require the submission of further details.

**(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 site is not affected by any statutory or non-statutory landscape, biodiversity, or heritage designation. The subject building is located approximately 90m from the nearest neighbouring amenity. There would be limited impact on neighbouring amenities. Given this context, the residential conversion is generally considered commensurate to the surrounding uses, and acceptable in this regard.

**(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 building would retain its original form, and the materials proposed would be deemed appropriate to the rural setting and reflect the utilitarian character and its surrounding. The proposed alterations would enhance the appearance and the setting of the site in general. The design would give consideration to traditional agricultural buildings in the wider area, with the form of the structure deemed appropriate to a rural setting. No objections are therefore raised regarding design or external appearance.

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

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 occupiers. The proposal is therefore considered to meet the requirements of (g).

**National Space Standards**

In accordance with Section (9A) of Article 3 of the General Permitted Development Order (2021 Amendment), Schedule 2 of the Order only permits development for the creation of new dwellinghouses:

> *'(a) Where the gross internal floor area is less than 37 square metres in size; or*
>
> *(b) That does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.'*

The proposal incorporates the creation of one larger dwellinghouse. The dwelling would incorporate more than the prescribed standards in addition to provide above the requisite internal build-in storage. The dwelling would therefore provide adequate living and storage space in accordance with national space standards, in accordance with Section (9A) of Article 3 of the Order.

**Others 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:**

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 |
|---|---|---|---|
| Residential | 273.5 | 273.5 | |
| | | **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:

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.

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**Plans list for: DC/25/0571**
(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 & Block plan | Site Location & Block Plan | NJA015 / 01 REV P1 | 04.04.2025 |
| Elevation & Floor plan | Existing Plans and Elevations | NJA015 / 02 REV P1 | 04.04.2025 |
| Elevation & Floor plan | Proposed Plans and Elevations | NJA015 / 03 REV P1 | 04.04.2025 |
| Supporting Statement | Preliminary Contamination Risk Assessment by Environmental Assessment Services Ltd dated May 2025 | NONE | 07.05.2025 |

**DELEGATED**

Case Officer sign/initial Tamara Dale Date: 29.05.2025

Authorising Officer sign/initial Guy Everest Date: 29.05.2025