DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0090
Monks Farm , Honeywood Lane, Okewood Hill, Surrey, RH5 5QA

DESCRIPTION:

Prior Notification for Change of Use and extension of Agricultural Barn to 2no. dwellinghouses.

RELEVANT PLANNING HISTORY:

DC/20/1090	Prior approval for the change of use of the agricultural barn to C3 residential to form 1no dwelling.	Prior Approval Required and REFUSED on 07.08.2020
DC/21/0693	Retention of existing mobile home	Application Permitted on 16.07.2021
DC/24/1742	Prior Notification for Change of Use and extension of an Agricultural Building to 3no dwellinghouse (C3 Use Class).	Prior Approval Required and REFUSED on 30.12.2024

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

SITE AND SURROUND

The site is located in Okewood Hill, to the north of Horsham district. The application site comprises a farm with a number of agricultural buildings, with two residential dwellings located closest to the barn. Surrounding the application site are fields, with significant vegetation screening the site. There is also a restricted byway which runs alongside the barn and the access track. The application site is not located with a Flood Zone.

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

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 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 with respect to water neutrality is also required.

WSCC Highways: No Objection

In summary, the movements associated with agricultural use 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:

With regard to the type of approval sought, Rudgwick Parish Council (RPC) noted the following on the previous similar application DC/24/1742, and holds the same view on this application:

Transport/Siting - this barn is in an unsustainable location for conversion to 2 family homes. It is over 2 miles from the only facilities in Rowhook (namely the Chequers Inn), and further still from any schools, pre-schools, shops or access to public transport, making for complete dependence upon use of private motor vehicles for daily life.

Additionally, if the application is approved the development will need to comply with Habitats Regulations in respect of Water Neutrality. There is no mention of current water provision in the information submitted and how meeting the regulations (s.77) for the dwelling is proposed.

Representations:

Rudwick Preservation Society
Rudgwick Preservation Society Committee have examined the plans and they resemble the application DC/24/1742. We take a similar view to Rudgwick Parish Council.

The barn is in an unsustainable location for 2 family homes. It is over 2 miles from the Chequers which is the only facility in Rowhook. It is further still from shops, schools and access to public transport making for total dependence on private cars.

Therefore object to this application.

Additionally, there is no mention of Water Neutrality to comply with Habitat Regulations. There is also no mention of current water provision in the submitted application and how meeting regulations (s77) for the dwellings is proposed.

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 application site and barn stand alone along a public right of way. As with previous application (DC/24/1742), the Class Q permitted development rights was updated in May 2024, with the ten-year clock reset to 24th July 2024. The application building was part of an established agricultural unit on 24th July 2023. The planning statement and the statutory declarations state that the barn has been used to store vehicles, machinery, tools, and equipment in relation to agricultural use.

From a site visit, the building appears to be in line with this, with no evidence to show that it is not. 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,

Each dwelling is indicated to comprise a floor area of 148m^2 (ground floor + first floor = 88m^2 + 59m^2) therefore not exceeding the provisions of (c).

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

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

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

The proposed seeks prior approval for 2 units at 148m^2. No other development under the class has been identified at the surrounding site. This totals less than 10 units and less than 1,000 square metres across the agricultural holding. The proposal 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 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.

(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 dwellings each have a 3m rear extension tucked in from the side elevations by 1.4m though this is considered acceptable under the Q.1(i).

(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.'*

Previously, DC/24/1742 was refused as it had not been substantiated that the proposal had met Q.1(i)(vii). An updated statutory declaration was received from Ms Charlton as well as other statutory declaration corroborating that hardstanding has been in position at the rear of the barn for at least 12 years. A site visit was conducted which confirmed the presence of hardstanding. Again, as with DC/24/1742, it is still considered that Google Earth satellite images suggest that the hardstanding is a recent addition. The imagery from December 1999 to August 2013 shows the area heavily vegetated.

Images from September 2018 show the area cleared however does not confirm the presence of hardstanding with the area looking visually like grassland. All subsequent images to May 2024 show the rear of the barn area to be greened over which does not suggest that the area has been hardstanding for a sufficient enough time.

This evidence does not therefore sufficiently demonstrate that the area to the rear of the building was laid to hard surfacing on the relevant date, or that the hard surface has been laid for a period of 10 years after the relevant date.

It has not therefore been sufficiently demonstrated that the area of land to which the extension is proposed has been covered by a hard surface for the required period of time, contrary to Q.1(i)(vii).

(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 is not considered to go beyond that permitted by this limitation. The external structures would remain the same dimensions, with the addition of a 3m extension at the rear, and there is no evidence to suggest that the building is unsuitable for conversion in its current state.

(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

Each unit would measure 147m^2 net internal floor area and would comply with national Space Standards of at least 115m^2 for a 4 bedroom, 7 person dwelling. Each bedroom would comply with the recommended minimal space standard and storage space. It is therefore considered acceptable.

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

The site is accessed off Honeywood Lane, which connects to the Horsham Road. The existing access is suitable to serve additional dwellings, as it currently serves several down Monks Lane. The access has also facilitated agricultural use for several years and currently sits on an existing public right of way.

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.

In accordance with the response of the LHA it is not considered that the proposal would result in a significant intensification of vehicle movements, beyond existing agricultural vehicle movements, and would represent a minor change within the context of the highway network.

The LHA also commented that: "[The] WSCC Car Parking Demand Calculator indicates that 2 dwellings of this size in this location would require six car parking spaces. No vehicular parking has been demonstrated. There appears space within the wider site for parking to be accommodated, it is not anticipated that overspill would occur within the publicly maintained highway in this location, it should also be noted that public access should be retained along the PROW at all times and not obstructed.

The applicant has not provided details of cycle parking provision. The LHA is mindful of the property location as being more rural and remote of shops and amenities, therefore the LPA should consider whether cycle parking would be a justifiable request in this location.

(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 contamination reports have been submitted to support this application. The planning statement states that the barn was used for the storage of hay and agricultural equipment and therefore it is unlikely for contaminants to be present. While this information is required, it is considered that the additional information could be secured by way of condition which would be considered sufficient to render the development acceptable in relation to Q.2(1)(c).

(d) flooding risks on the site,

The site is not located within a surface water flood risk zone..

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

The subject building is located close to other residential dwellings along the access track which are domestic in character. There would be limited impact on neighbouring amenity, as the closest neighbouring dwelling is located approximately 99m away from the closest proposed dwelling. The agricultural buildings are located more than 200m away from the site. Given this context, the residential conversion is generally considered commensurate to the surrounding uses and acceptable in this regard.

It is noted that the building is located within an Archaeological Notification Area. Should the development be considered acceptable, an informative in respect of monitoring and the discover of any found artefacts would be added.

The location of the site, near to existing residential buildings, would be suitable and would have limited impact on neighbouring occupiers in relation to Q.2(1)(e) given the separation to dwellings within the surrounding area

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

The proposed conversion would install new openings, providing windows and access doors for entry to the dwellings and access to the rear gardens.

The proposals design is akin to the last submission under DC/24/1742 though dialled back due to the reduction in dwellings proposed. Though the front elevation is considered to be appropriately designed, the rear elevation does feature a lot of fenestration, primarily on the extensions. This arrangement is considered not to reflect the local vernacular nor the character of a rural building. The proposal would not reflect a domestic rural character, where the proposed design would appear overly utilitarian and would erode the rural character of the building

It is considered that the proposed would include a high number of window openings, set within a uniform arrangement across all elevations.

For these reasons, the proposal is considered to be of a design and appearance that would detract from the character of the rural locality and would fail to reflect the characteristics and vernacular of the host dwelling, contrary to Q.1(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 and window apertures to be installed on the elevations of the building. As such, no objection is raised on these grounds.

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, the proposed development is not considered to comply with Q.1(i)(vii) and Q.2(f) of Class Q of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Recommendation: Prior Approval Required and REFUSED

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the hard surfacing to the rear of the building was present on 24th July 2023 nor for a period of 10 years after this date. The development would not therefore accord with Class Q, Q.1(i)(vii) of Part 3 within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

2 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 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.

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/25/0090
(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
Floor plan	Existing Floor Plan	24059A-P-104	21.01.2025
Elevation plan	Existing Elevations 01	24059A-P-105	21.01.2025
Elevation plan	Existing Elevations 02 and Section	24059A-P-106	21.01.2025
Block plan	Existing Block Plan	24059A-P-001 A	21.01.2025
Location plan	Existing Location Plan	24059A-P-002 A	21.01.2025
Block plan	Proposed Block Plan	24059A-P-003 A	21.01.2025
Location plan	Proposed Location Plan	24059A-P-004 A	21.01.2025
Floor plan	Proposed Ground Floor Plan	24059A-P-100 1	21.01.2025
Elevation plan	Proposed Elevations 01	24059A-P-101 1	21.01.2025
Elevation plan	Proposed Elevations 02 and Section	24059A-P-102 1	21.01.2025
Floor plan	Proposed First Floor Plan	24059A-P-103	21.01.2025

DELEGATED

Case Officer sign/initial JBurrowes Date: 12/03/2025

Authorising Officer sign/initial TDale Date: 17/03/2025