Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0816
Mill Farm, Mill Lane, Itchingfield, West Sussex, RH13 0NP

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

RELEVANT PLANNING HISTORY:

DC/21/2075	Prior Notification for the change of use of an agricultural building to a single dwellinghouse (C3).	Prior Approval Required and PERMITTED on 12.11.2021
DC/21/2236	Change of use of land to form enlarged residential curtilage and installation of an open air swimming pool.	Application Permitted on 20.05.2022
DC/23/0460	Demolition of an agricultural building and the erection of a two-storey dwelling (as an alternative to prior approval reference DC/21/2075).	Application Permitted on 02.05.2024
DC/24/1456	Prior Notification for Change of Use of Agricultural Building to form one dwellinghouse.	Prior Approval Required and REFUSED on 22.11.2024
DC/24/1475	Prior Notification for Change of use of building to form a single dwelling. Installation of windows, doors, a mezzanine floor and drainpipes/guttering. Replacement cladding to walls and roof.	Prior Approval Required and REFUSED on 18.11.2024
DC/24/1831	Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse.	Prior Approval Required and PERMITTED on 20.01.2025
DC/25/0232	Prior Notification for Change of Use of two buildings with associated operational development to 1no. dwellinghouse. Operational development includes replacement wall and roof cladding, rendering, walls, doors and rainwater goods.	Prior Approval Required and REFUSED on 09.04.2025

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 one single dwellinghouse.

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:
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 is also required to show how the development meets water neutrality requirements

WSCC Highways: Comment
The LHA previously provided consultation advice for a similar proposal at this site for application DC/24/1831, raising no highway safety concerns. This Local Planning Authority (LPA) approved the application.

In summary, the movements associated with the agricultural use have done so safely with no known highways safety 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.

Parish Comments:
None received

Member comments:
None received

Representations:
None received

HUMAN RIGHTS AND EQUALITY:

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

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

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.

From previous application DC/24/1456 "*the building is currently being used for storage. This appears to be primarily domestic, with a bath, bottles of liquid, suitcase and tennis racket inside. The planning statement states that "The application buildings have historically been used for the storage of tools and as a workshop." It also confirms that "Mill Farm extends to 14.17 hectares and comprises mainly arable land used for growing hay which produces a yield annually of approximately 1000 bales*".

The site is considered part of agricultural unit at the time of writing. At the time of the Officer site visit (03.07.2025), the building was used for storage purposes in association with the agricultural unit. 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 dwelling is indicated to comprise a floor area of 39m^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,

There have been previous permitted Class Q developments within the agricultural holding including under:

- DC/21/2075 - (Prior Notification for the change of use of an agricultural building to a single dwellinghouse (C3)
- DC/24/1831 - (Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse)

It is considered that the development under DC/21/2075 was not implemented and instead the subsequent application DC/23/0460 (Demolition of an agricultural building and the erection of a two-storey dwelling (as an alternative to prior approval reference DC/21/2075)) was instead implemented. In this case, the square metreage that DC/21/2075 would have totalled has been excluded from calculations.

DC/24/1831 – 120m^2 (1 dwelling)
DC/25/0816 – 39m^2 (1 dwelling)

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;

As per 4.13 of the included planning statement “The proposal would not result in the external dimensions of the building being extended other than by permitted building operations which would protrude by 0.2m”.

(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 height of the barn is increased by 0.2m from 4.05m to 4.25m. It is considered that this would be permitted by (h).

(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,**

No extension is proposed to the existing barn.

(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(j)(i);**

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

"Building works are allowed under the right permitting agricultural buildings to change to residential use. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes 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 allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right."

Paragraphs Q(a), Q(b) and Q(c) provide that 'permitted development' involves the change of use of an agricultural building, and any land within its curtilage, to a C3 use together with building operations reasonably necessary to convert the building to a C3 use. The applicant intends for works of demolition to be considered in connection with this notification, the submitted plans and documents reveal that the demolition of an adjacent store building detached from the subject building is necessary to

accommodate works under Q.1(j)(i). The LPA are satisfied that the demolition of this structure would be reasonably necessary to undertake the required external works.

In addition to the above, replacement external materials and new windows/doors will be installed. These works are considered reasonably necessary to undertake the conversion of the building to a dwellinghouse. Furthermore, the applicant has demonstrated that the building is structurally sound enough to accommodate the proposed conversion- this was verified following an Officer visit to the site. The LPA hold no evidence to suggest otherwise. The proposed works therefore meet the requirements of (j).

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

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

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

The site is not within any of these areas.

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

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

(n) the building is a listed building

The building is not a listed building.

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

The unit would measure 39m^2, which complies with the described space standard for a 1 bedroom, 1 person dwelling. In addition, the bedroom meets the space requirement for a single bedroom.

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

The proposal is considered to be acceptable on highway grounds following consultation response from the WSCC Highways, the Local Highways Authority.

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.

The proposal would utilise existing access to the public highway. 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.

(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.

The subject buildings are located in close proximity to the existing access road, within a cluster of existing buildings, including residential buildings and other buildings with extant permission to be converted into residential dwellings. Open countryside is located to the east and south of the site. An additional dwelling is not expected to cause any significant additional noise impacts which would result in demonstrable harm to the amenities of the surrounding residential properties.

(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 has been 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.

(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 buildings. While the number of these windows would be greater than would usually be expected, particularly the full height windows, it is considered that these are limited with the material palette retaining the utilitarian character and appearance of the rural building, and it is therefore considered that the design and appearance of the conversion is acceptable.

(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.

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 comply with all relevant limitations of Class Q, with no individual considerations that would warrant the refusal of prior approval, subject to the conditions listed below.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

1 **Pre-Commencement Condition**: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:
- all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) Prior to the occupation of the dwelling, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental 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).

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/25/0816

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Access	004	14.05.2025
Floor plan	Existing	D980/04D	14.05.2025
Elevation plan	Existing	D980/05B	14.05.2025
Floor plan	Proposed	D980/06D	14.05.2025
Elevation plan	Proposed	D980/07D	14.05.2025
Supporting Statement	Planning	NONE	14.05.2025
Supporting Docs	Report on a Structural Inspection	NONE	14.05.2025
Location plan		001	14.05.2025
Site plan	Existing	002	14.05.2025
Site plan	Proposed	003	14.05.2025

DELEGATED

Case Officer sign/initial	JBurrowes	Date:	04/07/2025
Authorising Officer sign/initial	RHERMITAGE	Date:	08.07.2025