Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0213
Shiremark, Horsham Road, Capel, West Sussex, RH5 5JP

DESCRIPTION:
Prior Notification for Change of Use of Agricultural Building to 2no. dwellings. Recladding of existing structure, thermal performance improvements and installation of new windows.

RELEVANT PLANNING HISTORY:

DC/10/1161	Erection of a steel portal agricultural building for storage of bales, farm plant and machinery (Agricultural Prior Notification)	Prior Approval Not Required on 07.07.2010
DC/10/2005	Demolition of existing outbuildings and replacement with traditional oak framed barn to provide garaging, gym, games room, pool house, attic, home office / store	Application Permitted on 23.11.2010

SITE AND SURROUNDINGS:

The application site comprises a modern agricultural building located at Shiremark, Horsham Road, Capel, set within a rural area of open countryside outside of any defined settlement boundary. The building is of steel portal frame construction with metal profile cladding to the elevations and roof and is positioned within a larger parcel of land historically associated with agricultural activity. The site benefits from an existing access off Horsham Road, which serves other buildings within the wider Shiremark holding.

The building appears to be in a relatively good state of repair, and its form, scale and appearance are consistent with a structure erected under agricultural permitted development rights. According to planning records, the structure was previously granted prior approval for agricultural use in 2010 (DC/10/1161) and is understood to have been used for the storage of bales, plant, and machinery.

The surrounding area is characterised by open fields, boundary vegetation, and scattered rural buildings, with no immediate neighbouring dwellings in close proximity. A public footpath (Public Right of Way Capel 1319) runs directly across the application site, passing close to the front of the existing building.

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 2 dwellings. Recladding of existing structure, thermal performance improvements and installation of new windows.

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 is also required on measures to address water neutrality requirements

WSCC Highways: No Objection - 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.

Southern Water: Comment – Informative provided below.

WSCC Public Right of Way: Comment – Informative provided below.

Parish 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.

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.

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 Council holds no information suggesting that the building was used for purposes other than agriculture.

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;**

In this case, the proposal seeks the change of use of an agricultural building to form 2no. larger dwellinghouses, each with a floor area exceeding 100 square metres. The submitted floor plans (Drawing No. 005 Rev P03) confirm that the combined residential floor space of both dwellings would not exceed the cumulative threshold of 465 square metres, and no previous Class Q developments have been implemented within the same established agricultural unit.

Therefore, the proposal is considered to comply with the limitations set out under Q.1(b)(i)(aa) and (bb), and the development does not exceed the maximum number or floor area allowed for larger dwellinghouses under Class Q.

(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;

Both proposed units exceed this threshold and are therefore classed as larger dwellinghouses for the purpose of the GDPO assessment. Accordingly, the limitations of Paragraph Q.1 (c) are not engaged in this case.

(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;

In this case, the proposal relates to the conversion of a single agricultural building into 2no. larger dwellinghouses, with a combined floor space that does not exceed the 465sqm limits. There is no record of any previous Class Q approvals having been implemented on this agricultural unit. As such, the proposed development does not breach the cumulative limits relating to number or size of dwellings under Class Q.1(d) and is therefore considered compliant.

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

There is no evidence before the Local Planning Authority to indicate that the land is, or was, recently occupied under an agricultural tenancy agreement. Accordingly, the proposal is considered to comply with the requirements of paragraph Q.1(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 comply with the limitations set out under paragraph Q.1(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;

Planning records indicate that a prior notification application (DC/10/1161) was approved in 2010 for the erection of the existing agricultural building. However, no further development under Part 6 has been carried out on the established agricultural unit since 20th March 2013.

Accordingly, the proposed development complies with the requirements of paragraph Q.1(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 proposed elevations (Drawing No. 006 Rev P03) and proposed floor plans (Drawing No. 005 Rev P03) confirm that no part of the proposed conversion would extend beyond the existing building's footprint or envelope. The works include recladding, insertion of openings, and internal subdivision, but do not involve any new projections, extensions, or overhangs.

As such, the proposal is considered to comply with the limitations of paragraph Q.1(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 proposal includes recladding of the building, thermal improvements, insertion of windows and doors, and provision of services, all of which fall within the scope of works considered reasonably necessary to allow the building to function as two dwellinghouses. No structural rebuilding or new structural elements are proposed, and the existing steel portal frame will remain intact.

In accordance with Paragraph 105 of the Planning Practice Guidance, which confirms that permitted operations must not go beyond what is necessary for conversion, the works are considered acceptable. Therefore, the proposal complies with the limitations of paragraph Q.1(i).

(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 site is accessed from Horsham Road (A24), a classified road subject to a 50mph speed limit. West Sussex County Council, as Local Highway Authority, has reviewed the proposal and confirmed that the existing access has operated safely in its current agricultural use. There have been no recorded collisions in the vicinity of the access within the last five years, and no highway safety concerns have been identified.

The LHA advises that although the type of traffic generated by residential use will differ from agricultural activity, it is unlikely to result in a material increase or material change in the character of traffic in the area. Sufficient space appears to exist within the site to accommodate the required car parking provision (five spaces for two dwellings), with space also available for on-site turning to allow vehicles to exit in forward gear. As such, the proposed development is considered acceptable in terms of transport and highways impacts and complies with the requirements of paragraph Q.2(1)(a) of the GPDO.

(b) noise impacts of the development,

Paragraph 109 of 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.

Paragraph 123 of the NPPF states that 'planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

The proposed change of use is located in a rural area, and the building to be converted is sited away from any major sources of industrial or transportation noise. There are no immediately adjacent residential or commercial properties that would give rise to incompatible noise-generating uses. The site has historically been used for agricultural purposes, and the transition to residential use is likely to result in reduced levels of noise and general disturbance compared to an operational farm building.

No objections have been raised by the Council's Environmental Health team in relation to noise, and there is no evidence to suggest that the development would be exposed to, or generate, unacceptable noise levels. Accordingly, the proposed development is considered acceptable in terms of noise impacts and complies with the requirements of paragraph Q.2(1)(b) of the GPDO.

(c) Contamination risks on the site,

The application relates to the conversion of a modern agricultural building, and no evidence has been submitted to indicate the presence of significant contamination. However, agricultural sites can present potential contamination risks arising from the historic storage of machinery, fuel, or agrochemicals.

The Council's Environmental Health team has recommended that a pre-commencement condition be imposed requiring a preliminary risk assessment to be undertaken, including the identification of any past contaminative uses and the need for further investigation or remediation as appropriate.

Subject to the imposition of this condition, the development is not considered to pose an unacceptable contamination risk, and the proposal is therefore compliant with the requirements of paragraph Q.2(1)(c) of the GPDO.

(d) flooding risks on the site,

The application site is located within Flood Zone 1, as defined by the Environment Agency, indicating a low probability of flooding from rivers or the sea. There are no recorded surface water flood risks affecting the building footprint, and the proposed residential use would not introduce vulnerable development into an area at known risk. As such, the development is considered acceptable in terms of flood risk and complies with the requirements of paragraph Q.2(1)(d) of the GPDO.

(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

Guidance within the PPG states that this consideration relates to the building's relationship to its surroundings and whether its location would make it impractical (e.g. due to lack of safe access or connection to services) or undesirable (e.g. resulting in unacceptable living conditions due to adjacent uses such as intensive livestock or noise).

In this case, the site is located in open countryside with a direct access from Horsham Road. The building is not in close proximity to intensive agricultural operations or other uses that would be incompatible with residential occupation. The proposed dwellings would have suitable access to the highway, and there is sufficient space for parking and domestic curtilage without encroaching on sensitive features.

The presence of a public right of way (Capel 1319) running through the site has been acknowledged. However, the PROW will remain unobstructed, and the siting of the building does not result in any conflict that would render the development impractical or undesirable.

Accordingly, the location and siting of the building are considered appropriate for residential use and the proposal complies with the requirements of paragraph Q.2(1)(e) of the GPDO.

(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 proposal involves the recladding of the existing agricultural building, the insertion of windows and doors, and the installation of rooflights, in order to facilitate its conversion into two dwellings. The submitted plans (Drawing Nos. 005 Rev P03 and 006 Rev P03) show a simple and coherent arrangement of openings, with timber cladding and tile roofing proposed to create a more domestic and visually appropriate appearance.

The overall form, scale and massing of the building would remain unchanged, and the proposed materials and detailing are considered acceptable in the rural context. The visual impact of the conversion would be limited due to the building's siting and its integration within the wider site. The external alterations are considered reasonably necessary to enable the building to function as a dwelling and do not result in any harm to the character or appearance of the countryside. In order to ensure that this is the case, a condition is a attached requesting details of the materials to be submitted to and approved in writing by the LPA prior to the development commencing.

Accordingly, the proposed design and external appearance are acceptable and comply with the requirements of paragraph Q.2(1)(f) of the GPDO.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

1 **Pre-Commencement Condition**: No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site 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) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

d) Prior to the occupation of the dwellings, 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 where required, shall be submitted to and approved in writing by the Local Planning Authority.

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

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).

2 **Pre-Commencement (Relevant Works) Condition**: A schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing prior to any relevant works taking place, and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

West Sussex County Council - Public Right of Way

The applicant is advised that a public right of way (Capel Footpath 1319) crosses the site. This permission does not authorise any works which obstruct, divert, or otherwise affect the public right of way. The public footpath must remain unobstructed and available at all times, both during and after construction.

Any proposals to temporarily close, permanently divert, or otherwise alter the route of the right of way must be made under the appropriate statutory procedures and should be discussed in advance with the Public Rights of Way Team at West Sussex County Council.

Southern Water

The applicant is advised that insufficient information has been provided regarding the proposed means of foul and surface water drainage disposal. Construction of the development shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water.

It is noted that there are no public sewers in the vicinity of the proposed development. Under the New Connections Charging arrangements, it is the responsibility of the developer to provide the necessary sewerage infrastructure up to the point of practical connection.

The applicant is strongly encouraged to investigate the feasibility of a connection to the public sewer network or to explore alternative means of foul sewage disposal in consultation with the appropriate authorities.

For further advice, please contact Southern Water at:
Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX
Tel: 0330 303 0119
Website: www.southernwater.co.uk
Email: SouthernWaterPlanning@southernwater.co.uk

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.

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/25/0213
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Existing	004 REV P01	11.02.2025
Floor plan	Proposed roof	005 REV P03	30.06.2025
Elevation plan	Proposed	006 REV P03	30.06.2025
Location plan		001 REV P01	11.02.2025
Site plan	Proposed	002 REV P01	11.02.2025
Floor plan	Existing roof	003 REV P01	11.02.2025

DELEGATED

Case Officer sign/initial Shazia Penne Date: 22.07.2025

Authorising Officer sign/initial RHERMITAGE Date: 25.07.2025