Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0704
Woodhouse Farm , Wheatsheaf Road, Woodmancote, West Sussex, BN5 9BA

DESCRIPTION:
Prior Notification for Change of Use of Agricultural Building to 3No dwellinghouses (Class C3)

RELEVANT PLANNING HISTORY:

DC/18/1001	Prior Approval of Proposed Change of Use from an agricultural building to 5 dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 03.07.2018
DC/18/1004	Prior Approval of Proposed Change of Use from an agricultural building to 3 dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 03.07.2018
DC/18/2165	Conversion of an agricultural building to 4 two storey dwellings.	Application Permitted on 06.12.2018
DC/19/0923	Prior approval for a proposed change of use of agricultural building to 3.No dwellinghouses (Class C3)	Prior Approval Required and PERMITTED on 21.06.2019
DC/19/1489	Demolition of existing barn and erection of 3.No detached dwellings with associated parking	Application Refused on 16.09.2019
DC/19/2128	Demolition of existing barn and erection of 3.No attached single storey dwellings with associated car parking	Application Permitted on 21.02.2020
DC/20/0815	Erection of an agricultural grain storage barn	Application Permitted on 30.06.2020
DC/21/2257	Removal of part of existing agricultural building and conversion of remaining sections to form 4no two-storey dwellings.	Under Consideration
DC/22/0564	Prior notification for the erection of a barn for wood, machine and general farm storage.	Prior Approval Required and REFUSED on 12.04.2022
DC/23/1005	Prior Notification for Change of Use of Agricultural Building to 5no. dwellings (C3 Use Class)	Prior Approval Required and PERMITTED on 06.07.2023

SITE AND SURROUNDINGS:
The building subject of this application is a steel framed portal barn supporting a corrugated cement roof, clad in single skin corrugated metal sheeting to three sides, interlocking timber weatherboard with dwarf-engineering brick walls to the northernmost, southernmost and westernmost elevations. The building is open-sided to the east, and possesses a large opening within the northernmost elevation.

The building was formerly used as a cattle shed, evidenced by the presence of a feed-trough at the northern extent of the building, however, is currently used for the storage of agricultural equipment/vehicles, including several tractors, lawnmowers and items of agricultural machinery.

The building is located at the southern extent of an agricultural yard and a short distance from neighbouring residential units at 'The Granary' and 'The Barns', located to the north-west of the existing barn. Several lesser rural utility buildings are found in the immediate vicinity of the barn, and a larger barn found a short distance to the north, which has recently attained prior approval for conversion to five dwellings (DC/23/1005).

The application site constitutes a remote location, found ~1.2km east of the defined built-up area of Henfield and accessed via the B2116 ~1.2km north of the site. The site is unaffected by any statutory landscape, environmental or heritage designation.

DETAILED DESCRIPTION:
This notification seeks prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 to form

RELEVANT PLANNING POLICIES
National Planning Policy Framework

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, conditions recommended for DC/19/0923 should be applied.

WSCC Highways: No Objection

WSCC Fire and Rescue: Comment. Currently, the nearest hydrant to these proposed properties is 530 metres away. The supply of water for fire fightng for a domestic premises should be within 150 metres. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 1 2019 Edi□on: B5 Section 13, including Table 13.1.

Parish Comments:
No Comments

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 three new dwellings 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—
- **(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,**

(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,**

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 was in agricultural use as part of an established agricultural unit, operating for commercial purposes, at the time of the original Prior Approval back in 2019. From a site visit, the building appears to continue to be used for agricultural storage. 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.

(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,

(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 proposal would result in the creation of three dwellings with a floor area of 106 square metres per dwelling (318 square metres in total). The cumulative number of dwellinghouses on the unit would not exceed 10 or 1,000 sq m.

It is noted that another barn located to the north of the application building has been granted Prior Approval for its change of use from agricultural to residential C3 to form 5no dwellings under planning reference DC/23/1005 in July 2023. However even it was to be implemented, the cumulative floorspace of this proposal plus DC/23/1005 would be 729m2, which remains under the 1,000 square metre limit.

The proposal is considered to meet the requirements of (c) and (d).

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

(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 (e) and (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 during the period which is 10 years before the date development under Class Q begins,

No agricultural permitted development (development under Class A (a) or Class B (b) of Part 6 of the Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013. The proposal complies with criterion 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, 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 proposal would not result in the external dimensions of any of the buildings extending beyond the external dimensions of the existing buildings. Whilst the building is to be re-clad and re-roofed, it is not anticipated that these works would protrude beyond the existing dimensions of the structures. The proposal is therefore considered to meet the above criteria.

(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,

The submitted plans do not indicate an extension to the existing building.

(j) the development under Class Q(c) 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 (which has not been updated) in relation to building operations states the following:

'Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. 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'.

The agricultural building to which this notification relates appeared at an Officer's site visit to be of a rudimental state, and in some areas, in a poor state of repair. The previous application for a prior notification concluded that 'The works subject of this notification detail relatively modest alterations to the existing building. The scheme would see the introduction of several fenestrations, the replacement of existing timber boarding and dwarf walling and the creation of inset entrances porches to the northern elevation. It is considered that the physical alterations supporting a conversion to C3 use, would not exceed a definition of works or demolition 'reasonably necessary' to support conversion.' There are no reasonable grounds to deviate from this original position.

(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(1) as read with the notes dated 19th May 2016 which apply to it, or

In accordance with Section (9A) of Article 3 of the General Permitted Development Order (2021 Amendment), Schedule 2 of the Order does not permit 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 three dwellings measuring 86 square metres each (plus garage space). All minimum space standards in relation to bedroom sizes and storage space are met.

It is therefore considered that this proposal would meet the required standards.

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

The existing yard leads directly onto an unadopted track, with ample visibility at the point of access onto the private highway. There is no record of unsafe operation where the unadopted highway adjoins to Wheatsheaf Road (B2116), and it is considered that the proposal would not detrimentally influence public or private highway safety or operation

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 existing yard leads directly onto an unadopted track, with ample visibility at the point of access onto the private highway. There is no record of unsafe operation where the unadopted highway adjoins to Wheatsheaf Road (B2116), and it is considered that the proposal would not detrimentally influence public or private highway safety or operation.

The plans supporting this notification describe three garages capable of utilisation for parking purposes and 6 parking spaces outside of the curtilage of the building and outside of the defined application site. A sufficient area is provided to the immediate north of the building to accommodate 6 parking spaces, which together with garaging, would be sufficient to meet the calculated parking demand according to the WSCC parking demand calculator.

On balance, with regard to all of the above factors, it is considered that the prior approval of the local authority is not required as to the transport and highways impacts of the development.

(b) noise impacts of the development,

Paragraph 180 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 191 of the NPPF states that planning decisions should ensure 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. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The building subject of this notification is situated in a small agricultural yard surrounded by various domestic, agricultural and equine uses. There is not considered to be any significant noise source in the vicinity of the building, aside from occasional agricultural machinery movements, and unlikely to be any noise disturbance beyond a level expected to a rural location such as this. The loss of agricultural facilities through this notification, and under application DC/18/2165, result in a reduction in overall agricultural facilities and are likely indicative of a reduction in possible noise disturbance resulting from agricultural activity/machinery.

The domestic use of the building itself is not considered to result in an unacceptable degree of noise disturbance to neighbouring occupiers at ‘The Granary’.

It is considered, therefore, that the prior approval of the local authority is not required as to the noise impacts of development.

(c) Contamination risks on the site,

The applicants have not provided a site-specific assessment of the previous uses, sources/receptors of contamination of the building and surrounding environment. Although the supporting statement states that there has been no other use of the building other than for the housing of cattle and/or machinery, in the absence of any investigation this cannot be substantiated. No reference is made to potential sources of contamination in the surrounding area.

As advised by the Council's Environmental Health Department agricultural buildings can be subject to significant contamination risks arising from prior uses, with some concern raised regarding the potential presence of asbestos materials.

Given the potential impacts of contamination on prospective occupiers, it is considered that the prior-approval of the local authority is required as to possible contamination risks.

The applicant has agreed to a condition requiring a site-specific investigation addressing previous uses, possible contamination and identification/removal of asbestos prior to the commencement of any relevant works. Subject to such a condition, it is considered that contamination risks can be appropriately addressed and managed, and that there would be no reasonable grounds to resist this notification at this point in time.

(d) flooding risks on the site,

The site is situated within Flood Zone 1 as designated by the Environment Agency and therefore no concern is raised in this respect. The site is at 'very low' risk of surface water flooding.

(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 building is accessible via established highway infrastructure and not in a unique setting by which conversion would compromise the operation of surrounding uses. There are other residential uses surrounding the site and an adequate distance between the site and the wider agricultural or equestrian uses. On this basis it is considered that the prior approval of the local planning authority as to the buildings siting or location is not required.

(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 plans provided in support of this notification describe a building of substantially similar appearance to that currently in place. The intended material palette is deemed appropriate to a rural setting, and retains much of the buildings current utilitarian character. It is understood that design changes that can be achieved within the context of sub-paragraph (i) are limited in nature, and therefore, that limited opportunity exists to 'enhance' the design quality of the structure. On balance it is considered that the design and external appearance of the building is acceptable, and that the prior approval of the authority is not required in this regard.

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

The submitted Floor Plan indicates that all habitable rooms would benefit from a sufficient number of windows to ensure an adequate provision of natural light. The proposal is therefore considered to meet the requirements of (g).

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

Part X of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 defines "curtilage" for the purposes of Class Q as:

"the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser"

The curtilage would mostly extend to the front of the building. The total area of this curtilage would comply with Part X as defined above and be no larger than the area occupied by the building.

Other 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.

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) 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.

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).

NOTE TO APPLICANT
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. Further details can be found through https://www.horsham.gov.uk/planning/water-neutrality-in-horshamdistrict/regulation-77-conservation-of-habitats-and-species-regulations.

Plans list for: DC/24/0704
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Site plan		447.00 REV B	07.05.2024
Floor plan	North Elevation, as existing	447.01	07.05.2024

Elevation plan	As existing	447.02	07.05.2024
Floor plan	North Elevation, as proposed	447.04 REV A	07.05.2024
Elevation plan	As proposed	447.05 REV A	07.05.2024
Supporting Statement	Planning	NONE	07.05.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 27.06.2024

Authorising Officer sign/initial Guy Everest Date: 01.07.2024