

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0987	Case Officer:	Caroline Grist
Application Type:	Prior Not. - Agricultural to Dwelling		
Proposal:	Prior Approval for the conversion of a single-storey agricultural barn to a single-storey dwelling		
Site:	Great Frenches Barn, Snow Hill, Crawley Down, Crawley, West Sussex, RH10 3EE, ,		
Validation Date	10 Apr 2025	Overall Expiry Date:	6 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Granted	Recommendation Date:	4 Jun 2025
Target Date:	5 Jun 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	4 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0987

**Great Frenches Barn, Snow Hill, Crawley Down, Crawley, West Sussex, RH10 3EE,
Prior Approval for the conversion of a single-storey agricultural barn to a single-storey dwelling
Mr Challis**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Southern Water

Southern Water are unable to determine who the Sewerage supplier is for this development.

Until this information is provided, Southern Water are unable to fully comment on this application.

Highways Authority

This proposal seeks prior approval for the change of use from agricultural barn to residential to form a single dwelling. The site is located off Snow Hill, an A-classified road subject to a speed restriction of 50 mph in this location.

Generally, the change of use from agricultural to residential would generate a reduction in material use at the site. The existing use would create a certain number of movements throughout the day, whereas the movements associated with residential use would be anticipated within network peaks. Therefore, although the nature of trips would change, the frequency would likely not exceed that of current use.

An inspection of collision data supplied to WSCC by Sussex Police over a period the past five years reveals there have been no recorded collisions attributed to road layout or the use of the existing access, within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The WSCC Car Parking Demand Calculator indicated that a development of this size in this location would require three car parking spaces. Two car parking spaces are proposed, but there does appear to be space within the site to accommodate a third car parking space if needed. The site also exhibits suitable space for cars to turn and exit in a forward gear. The LPA are advised that they may wish to secure cycle parking provision, to promote sustainable travel.

In summary, the movements associated with agriculture have done so safely with no known safety highways concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. The prior approval is therefore considered acceptable in highway terms.

Contaminated Land Officer

Our records indicate that this agricultural building has been in place since circa 1955. Given the historical use of the site for agricultural purposes, it is possible that the building and the wider site may have been used for the storage of substances such as biocides, fuels, or animal remains. Such materials have the potential to cause localised contamination.

The proposed development involves an increase in sensitivity due to the change to residential use. To ensure the site is safe for its intended purpose, it is recommended that a phased contaminated land condition be applied to this application.

Additionally, it is advised to include a discovery strategy as a condition. This strategy would require that if any contamination is discovered during construction that was not previously identified, all works should cease until further assessment has been undertaken and appropriate remediation measures have been implemented.

Recommendation: Approve with conditions relating to land contamination and discovery.

Environmental Protection Officer

EP has no comment to make with regard to this application.

Drainage Engineer

The Engineer agrees that the building and garden are in Flood Zone 1.

Their understanding of prior- approval is the applicant still must demonstrate that safe escape can be provided during the 1:1000+CC event for a 'more vulnerable' development.

Our comments are partly based on the application boundary and where we would expect to see the applicant demonstrate a safe access and egress route.

The new Nafra 2 Risk of flooding from Surface Water with Climate Change mapping demonstrates that any safe escape route would be at high risk of surface water flooding during an event. I would expect safe escape to be provided from the building onto the A264. However, without this information in the form of a Flood Risk Assessment report I'm unable to comment further.

In addition, no information has been provided on how they intend to manage surface water or foul at the site.

Upon receipt of this information, we will be able to supply further comment.

PARISH COUNCIL OBSERVATIONS

Defer to officer asking for a non severance clause.

INTRODUCTION

This application is a prior notification application to establish whether prior approval is required for the conversion of a single-storey agricultural barn to a single-storey dwelling.

RELEVANT PLANNING HISTORY

10/03442/FUL - Conversion of derelict barn to dwelling with associated extension. Permission.

SITE AND SURROUNDINGS

Great Frenches Barn is situated to the south of Snow Hill, which is a classified road. It is reached by an access road to the west of Great Frenches Lodge, which also connects to a number of residential properties. The application site is also situated to the rear of Crockford House and Greenacre. The property to which this application relates is a single storey, former piggery. It has breeze block and brick elevations, with sections of timber cladding, as well as a metal roof.

The farm is situated outside of a defined built up area and is therefore within the countryside.

APPLICATION DETAILS

Plans show that the building would be converted to form a three bedroom dwelling. The house would also contain a kitchen, dining and living area as well as a bathroom. One of the bedrooms would also have an en-suite. Two parking spaces are also proposed to the side of the building.

The external appearance of the building would be altered with new windows and door openings to the front and rear elevations. It is proposed to use timber cladding for the walls and for the roof to be finished in corrugated steel cladding.

LEGAL FRAMEWORK AND LIST OF POLICIES

As this is an application to establish whether prior approval is required and is not an application for planning permission, the application falls to be assessed against Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended:

Class Q - agricultural buildings to dwellinghouses

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; and 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;
- (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;
 - (ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;
- (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;
 - (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;
- (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, both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;
- (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;
- (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;
- (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 allowed by paragraph Q.1(i)(i);
- (j) the site is 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;
- (l) the site is, or contains, a scheduled monument; or
- (m) the building is 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,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (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
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class Q

Q.3. For the purposes of Class Q—

"larger dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

"smaller dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.'

Class X of Part 3 is also deemed relevant:

Interpretation of Part 3

X. For the purposes of Part 3—

"agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses;

"agricultural tenancy" means a tenancy under—

- (a) the Agricultural Holdings Act 1986; or
- (b) the Agricultural Tenancies Act 1995;

"established agricultural unit" means agricultural land occupied as a unit for the purposes of agriculture—

- (a) for the purposes of Class R, on or before 3rd July 2012 or for 10 years before the date the development begins; or
- (b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

"habitable rooms" means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;

ASSESSMENT

The first part of the Part Q regulations requires a number of tests to be met, as set out above. The supporting information sets out that the building to which this application relates was used solely for agricultural purposes as part of an established agricultural unit before 24 July 2023. The barn (known as the piggery) was used for the breeding of pigs. This is consistent with what was observed during the Case Officer's site visit.

The planning history shows that there have been no previous permissions for dwellings under Class Q. The proposed dwelling would have a footprint of 150 square metres. It is noted that the site is not occupied under an agricultural tenancy.

The submitted plans show that the dwellings are to be entirely contained within the existing footprint and that any protrusions would not exceed 0.2 metres. No extensions are proposed. In terms of the works proposed they would comprise the installation of windows, doors, exterior walls, water, drainage and services reasonably necessary for the building to function as a dwelling house. The statement also sets out that some demolition works would be required to carry out building operations as well as to create the internal layout. All of these works are within the allowances of Class Q. The building is capable of complying with the nationally described space standards and has an existing access to a public highway.

Lastly the site is not on article 2(3) land nor does it form part of a site of special scientific interest, a safety hazard area, military explosives storage area, a scheduled monument or listed building.

Conditions

Conditions as stated under part Q.2 require the local planning authority to assess whether prior approval is required in respect of transport and highways impacts of the development, noise impacts of the development, contamination risks on the site, flooding risks on the site, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to a C3 residential use, design and external appearance of the building and the provision of adequate natural light in all habitable rooms of the dwellinghouses. These considerations are detailed below:

(a) Transport and highways impacts of the development

The Highways Authority has been consulted on the proposal. They have noted that no changes are proposed to the existing access arrangement with Snow Hill and that there is no evidence to suggest that the proposal would result in a highways safety issue. Additionally it is noted that, although the nature of the trips associated with the site would change, the frequency would not likely exceed that of the current use.

In terms of parking, whilst three spaces would be expected in this location, two spaces are proposed and it is noted that there could be space within the site for additional parking to be accommodated. There would also be space for cars to turn and exit the site in a forward gear.

No objection is therefore raised to the proposal from a highways perspective. However a condition is suggested to secure cycle parking.

(b) Noise impacts of the development

Surrounding the application site are residential properties and agricultural uses. The Environmental Protection Officer has been consulted and no objection has been raised to the proposal.

(c) Contamination risks on the site

The Council's Contaminated Land Officer has been consulted on the application. It is set out that their records indicate that this agricultural building has been in place since circa 1955. Due to the historical use of the site for agricultural purposes, it is possible that the building and the wider site may have been used for the storage of substances such as biocides, fuels, or animal remains. Such materials have the potential to cause localised contamination.

As the proposal involves an increase in sensitivity due to the change to residential use, a phased contaminated land condition is recommended and has been agreed. Additionally, a condition has been included in relation to a discovery strategy as a condition. These conditions would ensure appropriate mitigation measures are undertaken in the event of an approval for this scheme.

(d) Flooding risks of the site

The site is located within Floodzone 1. Comments have been received from the Drainage Engineer seeking further information, due to surface water concerns. The areas shown to be affected relate to the site access.

The access in question is established and the agent has confirmed that it is currently shared with one other residential property, Great Frenches Barn. Furthermore, the proposed dwelling and its associated land are not shown as being at risk from surface water. It is therefore concluded that the proposed development would fulfil the requirements of criterion d.

(e) Practicality of change of use

In determining these applications DCLG Planning Practice Guidance website (revised 05.03.2015) states:

'Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval. There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access,

power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals'.

The above gives guidance and examples of what may be considered impractical or undesirable, however this is not an exhaustive list.

The application site is located towards the northern boundary of the existing agricultural unit and there are residential properties further north and to the south of the wider site. The highways access to the site will utilise an existing access off Snow Hill. As such there is no reason to conclude that the proposal would be undesirable.

(f) The design or external appearance of the building

Proposed plans and elevations show that the proposal will retain the existing rural character and appearance of the building and therefore no concerns are raised in this respect.

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

Proposed plans and elevations submitted show that all habitable rooms will be served by windows, providing adequate levels of natural light.

CONCLUSION

To summarise as this is not a planning application, the policies contained within the Mid Sussex Local Plan, District Plan and Neighbourhood Plan are not relevant. For the reasons that have been outlined above it is considered that the prior approval process can be utilised in this case and the conversion of the building to residential is deemed acceptable.

Decision: Prior Approval is Granted

Case Officer: Caroline Grist