



Planning Statement

Prior Notification application for the change of use of a
building from agricultural use to residential (C3) with
associated operational development
(revision of DM/24/0965)

Pellings
Northend Lane
Sayers Common
Hurstpierpoint
BN6 9HL

On Behalf of
Sarah Harvey

Prepared by
Dan Holmes BA (Hons) MSc MRTPI
d.holmes@batchellermonkhouse.com
01798 877555

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1 INTRODUCTION

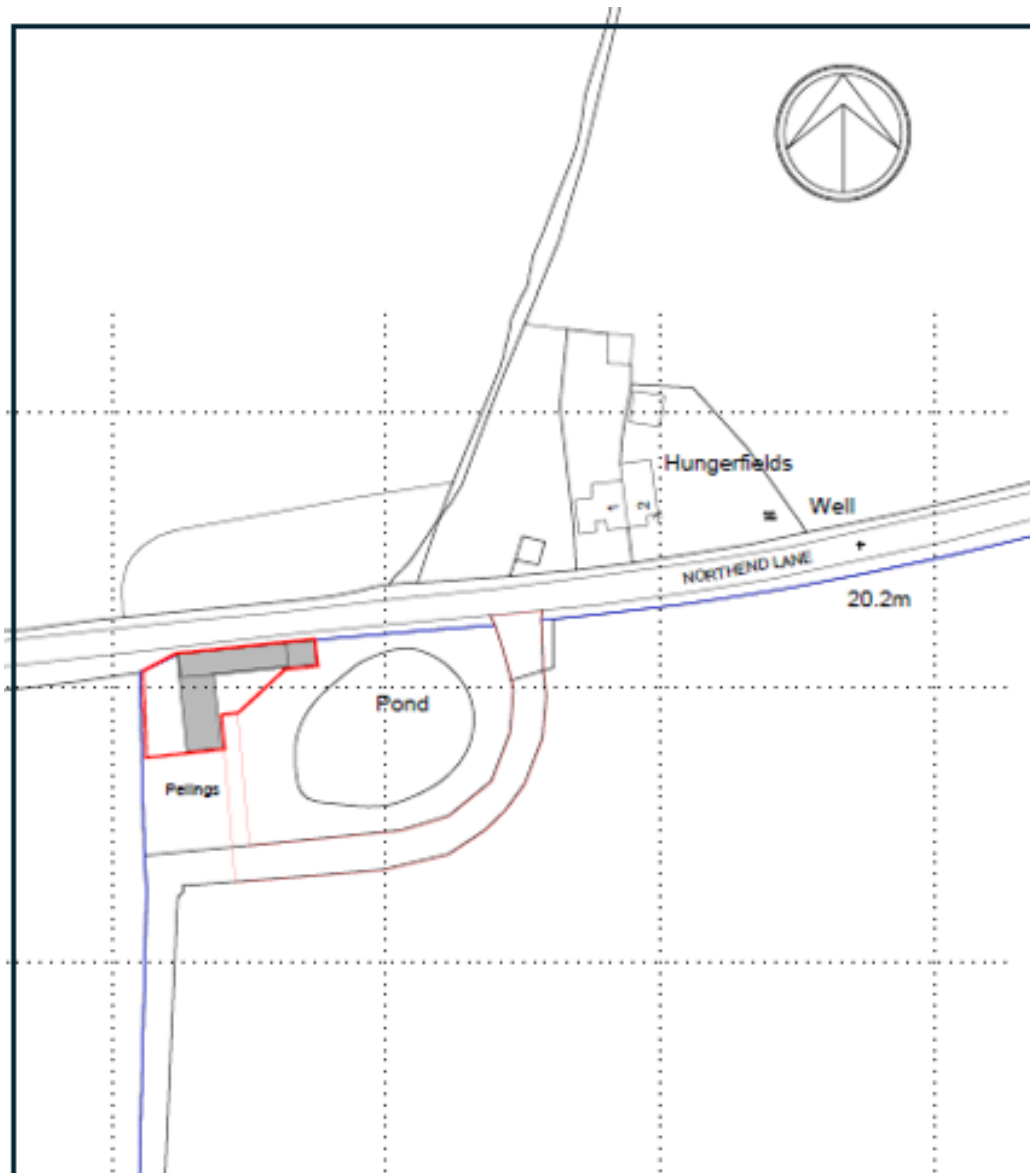
- 1.1 This statement is prepared in support of a Prior Notification application for the change of use of a building, with associated operational development, at Pellings, Newhouse Farm from agricultural use to residential use (C3) under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.2 This document provides a description of the site and proposals and an assessment of how the proposals meet the relevant Class Q criteria. Further information on the agricultural activities undertaken at the application site is also provided. The following has been provided in support of the application:
- Application form and ownership certificate
 - Site Location Plan
 - Block Plan
 - Existing Plans and Elevations
 - Proposed Plans and Elevations
 - Structural Survey
 - Flood Risk Assessment
- 1.3 Prior approval has previously been refused for a similar scheme under reference DC/19/2541 (decision notice issued by Mid Sussex Council on 18th June 2024). The Council's Drainage Engineer objected to the proposal on flood risk grounds and the lack of evidence that the development and site users could be kept safe for the lifetime of the development. The current application seeks to address this reason for refusal and a Flood Risk Assessment is submitted in support, alongside amended drawings that mitigate any flood risk.

2 BACKGROUND

Application Site

- 2.1 The site lies within the parish of Hurstpierpoint and Sayers Common. Mid Sussex District Council are the relevant Local Authority.
- 2.2 The barn within the application site has a footprint of 194m² and is located approximately 410m north-west of the farmstead. The location of the site and land in wider ownership is shown below in Figure 2.1.

Figure 2.1 – Location Plan



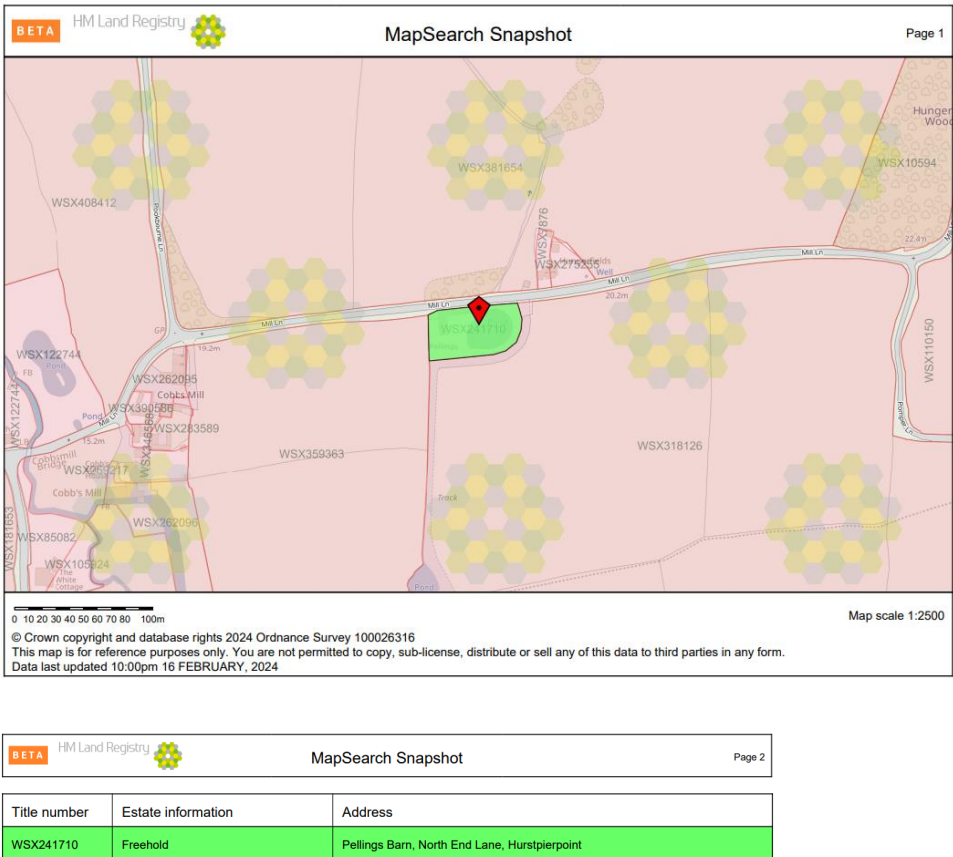
- 2.3

The site benefits from an existing access and driveway to the north-east of the site. Photographs of the site are attached in Appendix A. The wider land includes Newhouse Farm, which comprises the farm and farmhouse. Harvey Farms is the business name.
- 2.4

Over the last twenty years the land at Harvey Farm has been on rotation of arable and fallow and more recently, in the last two years, the Countryside Stewardship. The wider farmstead was previously owned by the applicant’s father and the land has since been subdivided. The applicant acquired the site when the land was sub divided in 2007. However, the use of the barn remained in agriculture and has not changed since the land was sub-divided.
- 2.5

The applicant owns the application site plot (listed as sole owner since 2007, land registry ref: WSX241710). The applicant’s sister owns the surrounding fields to the south / east) (Listed as Newhouse Farm, Cuckfield Road, BN6 9LL, Land Registry reference WSX318126). The two plots are part of Harvey Farms. Figure 2.2 shows the land registry map of the site and adjoining land. Mapping showing the land in ownership of the family is attached in Appendix B.

Figure 2.2 – Land Registry Map



BETA

HM Land Registry

MapSearch Snapshot

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- 2.6 In 2018 Harvey Farms engaged a local contractor for drilling, combining and applications. This allowed the farm to sell surplus machinery. The farm still does all cultivations and brings in crops, dries, conditions and stores. It still functions as a fully productive farm. The farm's Single Business Identifier (SBI) number is as follows: C V Nugent-Harvey T/A Harvey Farms SBI: 106173468. This confirms the applicant's involvement in agricultural activity.
- 2.7 The barn subject of this proposal historically housed livestock and in later years, when the applicant had a dairy herd, it was used for the storage of hay and straw. Most recently it has been used for much needed farm machinery storage. Some machinery has been sold but most of the machinery has been moved back to Newhouse Farm for safer, more secure storage. This is where farm operations are centralised.
- 2.8 The application proposes the conversion of the agricultural building known as Pellings, which was originally used in connection with Newhouse Farm of which it once formed part of, to residential (use class C3).
- 2.9 A structural appraisal of the building which confirms the building to be structurally sound and suitable for conversion (prepared by David Woods, February 24) is submitted as part of the application and attached as appendix C.
- 2.10 Figure 2.3 shows the building in situ in 2001 and the land to which it relates. The driveway and access are clearly identifiable.

Figure 2.3 – Google earth imagery from June 2001.



Access

- 2.11 Figure 2.4 shows the building in situ in June 2013. The driveway and access by Pellings Barn are owned by the farm and is used for agricultural use only to give access to the rest of the farm at Coombe and Berrylands.

Figure 2.4 Google earth imagery from June 2013



Planning History

2.12 The site lies within the jurisdiction of Mid Sussex Council.

Reference	Description	Decision
DM/24/O965	Change of use of an agricultural building into a dwelling	Refused 18/06/2024
HP/O32/95	Repair of barn and re-erection of traditional barn for agricultural machinery storage	Approval 16/06/1995
HP/OO4/93	The re-erection of berryland barn on the site occupied by pellings barn and conversion to office use b1(a) and (b).	Refused 25/02/1993 Appeal Dismissed 18/08/1993

2.14 The planning history confirms that the most recent approval relates to an agricultural use. There has been no change since this decision was issued on 16/06/1995.

3 THE PROPOSAL

- 3.1 The application building is an amendment to the scheme refused under DM/24/0965 and is proposed to be converted to a 3-bedroom 6 person dwelling.
- 3.2 The accommodation will comprise of 3 bedrooms, 2 with en-suite bathrooms, a kitchen, utility, dining room and living room and WC on the ground floor. There will also be a store, garage room and covered outdoor dining area. The proposal comprises 92.0m² of Gross Internal Area (GIA) on the ground floor and 74m² of on the first floor. The stores and covered area at ground floor level would comprise 72.4m² providing a total GIA of 238.4m² (including insulation). 75% of the ceiling heights will be a minimum of 2.3m, in accordance with the Government's Technical housing standards – nationally described space standard (2015)¹. A proposed block plan is shown below in figure 3.1. Existing and proposed plans are shown below in figure 3.2 and 3.2a.

Figure 3.1 – Block Plan

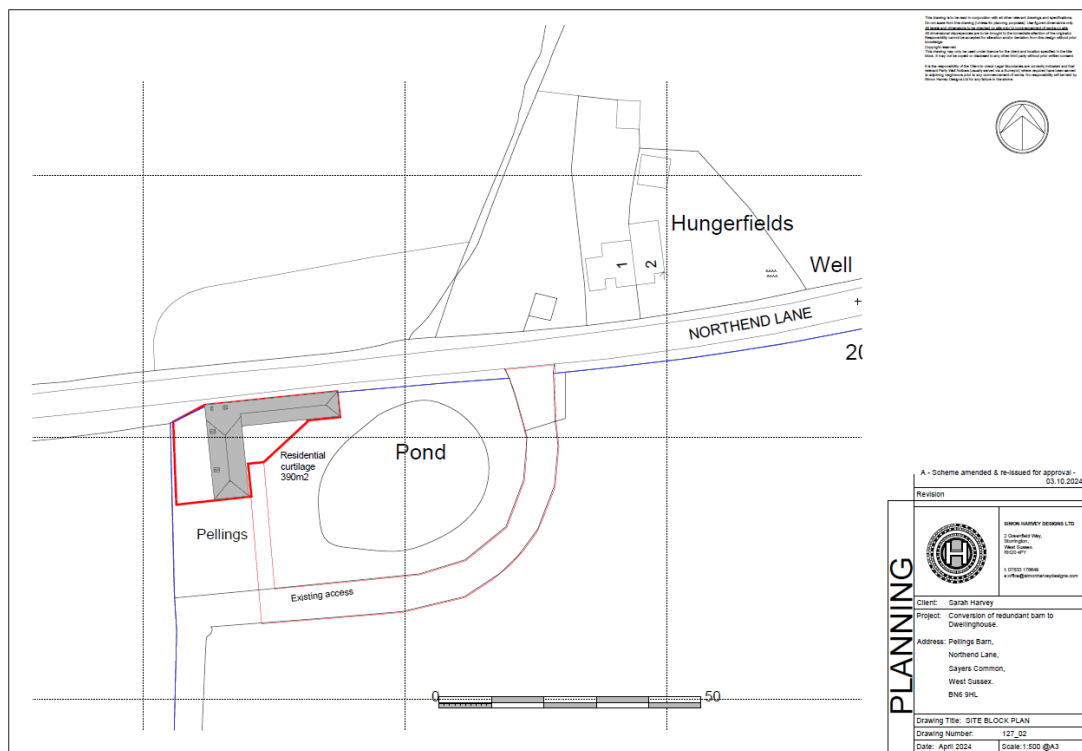
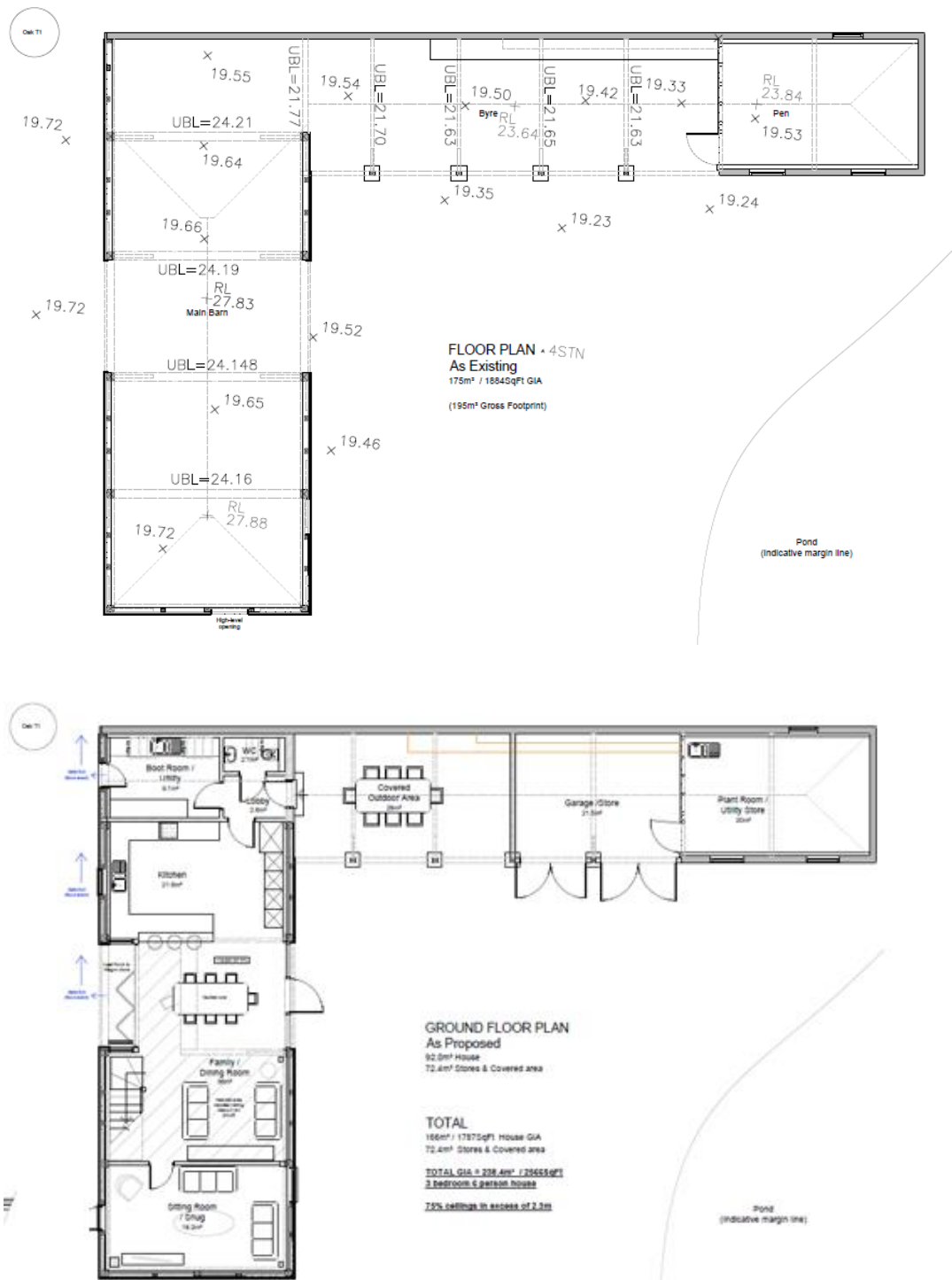
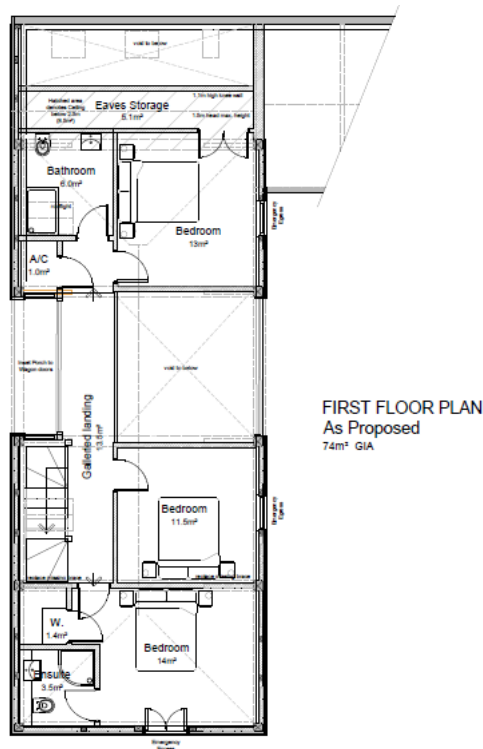


Figure 3.2– Existing and Proposed ground floor plans



¹ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard/technical-housing-standards-nationally-described-space-standard>

Figure 3.2a–Proposed first floor plans



3.3 Windows would be installed in all rooms to provide a source of ventilation and natural day light.

3.4 The proposed materials are shown on the supporting drawings and would comprise of the following.

- Plain roof tiles with decorative banding to match existing.
- Black rainwater goods
- Timber featheredge boarding
- Black PPC slimline aluminium framed DG screen to wagon door opening.
- Hardwood timber casement DG windows
- Brickwork plinth as existing.

- 3.5 All windows, doors, cladding and roof materials would sit within the existing building envelope.
- 3.6 The curtilage for the new dwelling would be located to the east of the building forming a courtyard and to the west of the building) rear and would be 390m², including the footprint of the building. The existing footprint is 194m². As such the new curtilage would be very similar to that of the existing building. It is envisaged that the curtilage will be enclosed by the existing hedging.
- 3.7 There will be an area of hardstanding to the south of the barn adjacent to the track where vehicles can park.

Figure 3.3 – Existing elevations

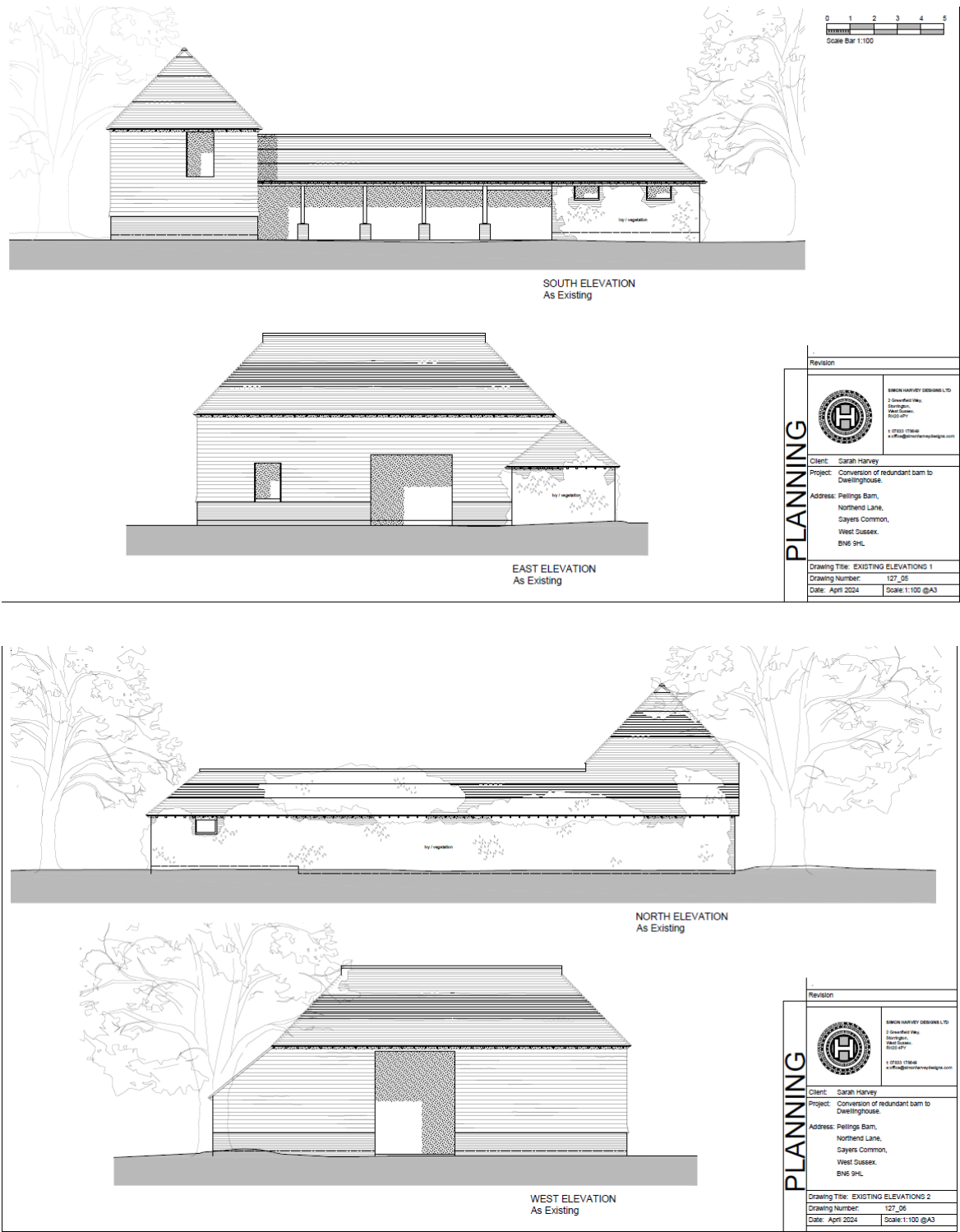
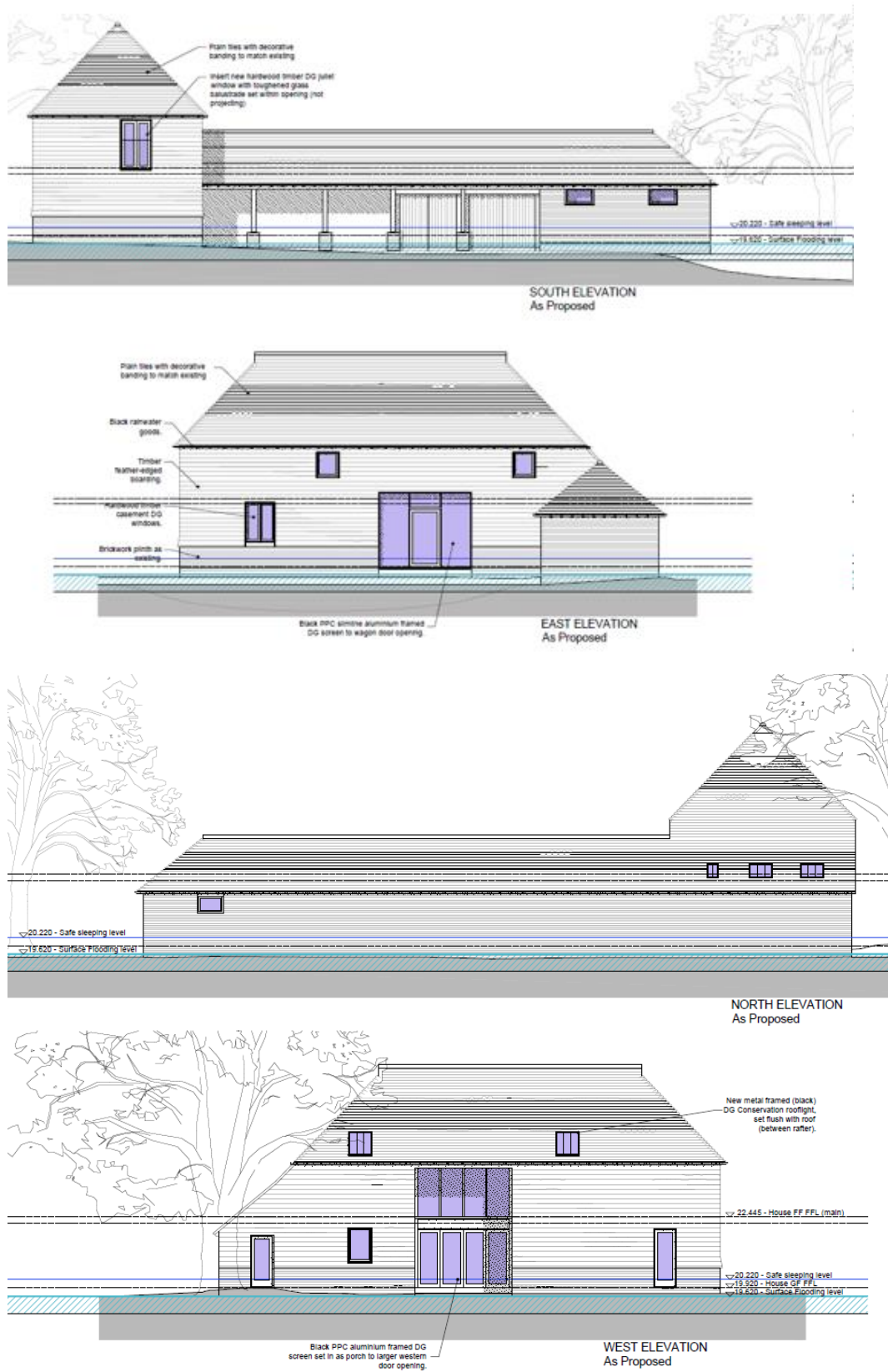


Figure 3.4–Proposed elevations



4 CLASS Q

- 4.1 The previous application DM/24/0965 was submitted on 17/04/2024. Class Q was refreshed on 30th April 2024 and began to take effect on 21st May 2024. Transitional provisions mean that one can continue to take advantage of the old rules for Class Q until 20th May 2025. This application is for applied for under the transitional provisions. The criteria is provided below.
- 4.2 Class Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for:
- a) The change in 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
 - b) Building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within C3 (dwellinghouses) of that Schedule.

Class Q.1

- 4.3 Q.1 of the Order sets out the criteria that the site must meet to benefit from the rights. Compliance with these criteria is summarized below.
- 4.4 Development is not permitted by Class Q if:
- (a) The site was not used solely for 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.***

4.5 The application building was in agricultural use on 20th March 2013. Prior to this date it was previously used to house livestock and in later years, when the applicant had a dairy herd, it was used for the storage of hay and straw. Most recently it has been used for farm machinery storage at Newhouse Farm of which it once formed part. Since the applicant acquired the building in 2007 the use of the building has not changed.

4.6 A review of the wider site's planning history also notes the use of the application building as being agricultural under reference HP/032/95 which allowed for the repair of the barn and re-erection of traditional barn for agricultural machinery storage (16/06/1995).

(a) In the case of:

(i) A larger dwellinghouse within an established agricultural unit:

- ***The cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or***
- ***The cumulative floorspace of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres.***

(b) In the case of

(i) A smaller dwellinghouse, within an established agricultural unit

- ***The cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or***
- ***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.***

4.7 The proposal would create one larger dwelling with a gross internal floor area of 238.4m². No other dwellings have been created under Class Q at Pellings.

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.*

4.8 As above, the development would provide a total of one larger dwelling with less than 465sqm of floorspace.

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

4.9 The site is not occupied under an agricultural tenancy.

- 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.*

4.10 The site has not been occupied under an agricultural tenancy and such a tenancy has not been terminated in the last 12 months.

- 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.*

- 4.11 No development under either Class A or Class B has been carried out since 20th March 2013.

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.

- 4.12 The proposal would not result in the external dimensions of the building being extended. The new cladding, roof material, windows and doors would sit flush with the existing walls.

i) The development under Class Q(b) would consist of building operations other than:

i. the installation or replacement of:

- ***windows, doors, roofs, or exterior walls, or***
- ***water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and***

(i) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i).

- 4.13 Guidance on the extent of building operations permitted is provided by Planning Practice Guidance. Paragraph 105, Ref 13-105-20150305 states:

"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, as amended. 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.

For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin).

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q."

- 4.14 All the changes proposed are the minimum necessary to enable the building to function as a dwellinghouse and are limited to operations listed in i) above, as summarised below:

- Insertion of doors and windows to allow natural daylight into the main habitable rooms and to satisfy Building Regulations.
- Rainwater pipes and gutters
- Installation of internal walls
- Installation of insulation to floors, walls and roof
- Installation of staircase to first floor level
- Installation of a damp proof course and internal insulation to comply with Building Regulations (the PPG confirms that such works are not considered to be development)
- Installation of flood resistance safety measures

j) The site is on Article 2(3) land.

4.15 The site is not on Article 2(3) land.

k) The site is, or forms part of:

- ***SSSI***
- ***A safety hazard area***
- ***A military explosive area***
- ***The site is or contains a scheduled monument; or***
- ***The building is a listed building.***

4.16 The site is not located within one of these areas and the building is not listed.

Q.2

- 4.17 Where the development proposed is development under both Class Q(a) and 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 the following matters:

a) Transport and highways impact of the development.

- 4.18 The site is accessed via an existing entrance with good visibility in either direction. A review of www.crashmap.co.uk shows no reported incidents on the road attributed to the use of the access over the last 24-year period (appendix d). The existing access is shared with the applicant's sister who owns the adjoining fields under land registry reference WSX318126. The driveway and access by Pellings Barn is owned by the farm and is used for agricultural use only to give access to the rest of the farm at Coombe and Berrylands.
- 4.19 The addition of a new dwelling to the site will not result in a material change increase or a material change in the character of traffic in the vicinity of the site.
- 4.20 Although, the prior notification process does not enable parking provision to be considered, for the planning authority's information car parking for the proposed dwelling will be located to the south of the plot adjacent to the existing driveway.
- 4.21 It is noted that under DM/24/0965 West Sussex County Council raised no concerns regarding the impact on highways and transport safety for an almost identical scheme. As such, we see no reason why this should be considered differently.

b) Noise impacts of the development

- 4.22 The addition of a dwelling to the site will not cause a significant increase in noise generated from the site. It is noted that under DM/24/0965 the LPA raised no concerns regarding the noise impact of the development. There are not considered to be any noise impacts from the proposal that would justify withholding approval. As such, we see no reason why this should be considered differently.

c) Contamination risks on the site

- 4.23 There are no known contamination risks on site. Under application DM/24/0965 the Council's Contaminated Land Officer raised no objections.

d) Flooding risks on the site

- 4.24 Under application DM/24/0965, the Council concluded that despite the site being located in flood zone 1, the site is located within an area of increased surface water flood risk, including the 1:30 flood extent. The Council's Drainage Engineer therefore objected to the proposal as the Planning Practice Guidance states that all flood risk must be considered in line with fluvial flood assessment methodology, and the site is therefore considered to be located within the functional floodplain, flood zone 3b equivalent.
- 4.25 Annex 3: Flood risk vulnerability classification of the National Planning Policy Framework advises that buildings used for dwelling houses are classified as "More vulnerable".
- 4.26 As such, The Council's Drainage Engineer objected to the proposal on flood risk grounds, and the lack of evidence that the development and site users could be kept safe for the lifetime of the development.
- 4.27 This application is therefore supported by a Flood Risk Assessment (FRA), prepared by Dr Robin Saunders (Innervisions Design Ltd, October 2024). The report confirms that
- The existing building is a "solid building", surface water on site has somewhere else to drain to and hence in alignment with the council's SFRA, the proposal should not be considered as new development in the functional floodplain.
 - The proposal is a change of use of an existing building and is non major development;
 - Flood resilience and mitigation methods will be required, detailed and implemented on site;
 - Sleeping accommodation will be designed to provide a minimum 600mm freeboard over design period flood events;

- The immediately available access/egress route carries a hazard rating no greater than Caution;
- There is no documented evidence of flood risk from any other sources;
- The development does not impact on flood risk elsewhere;

4.28 The FRA concludes that whilst the site lies within an area with a high risk of surface water flooding, the proposed non-major development to form a dwelling out of an existing barn is considered viable subject to recommendations made within the FRA.

4.29 Exception Test

4.29.1 The Exception Test aims to demonstrate that;

- i) the proposed development has taken account of the residual flood risk on the proposed site and does not impact on flood risk downstream from the development site.
- ii) the sustainability benefits of the development to the community outweigh the risk of building on a site at a higher risk of flooding.
- iii) the development will be safe for its lifetime, taking into account the vulnerability of its users.

4.29.2 In terms of point i) the FRA confirms that the existing barn is a solid building, and other than internal works, no planned extensions or similar physical external development is proposed. Given the existing building is a solid building, and the fact that surface water on site does have somewhere else to drain to, namely the ditch network to the north, the proposal should not be considered as new development in the functional floodplain but as a change of use of an existing building. Since the proposal does not increase the existing drained area, the impact on flood risk elsewhere is negligible.

4.29.3 In terms of point ii) the sustainability benefits of the site are listed as follows.

- (i) The proposed dwelling would be located in proximity to two existing residential properties which have functioned as such for over 100 years.
- (ii) All services and facilities to serve residents' needs are within a 2km radius, with the village of Hurstpierpoint just 1.6km to the south. Further facilities are located within 2km distance at Burgess Hill.
- (iii) The proposal would repurpose a historic building that has existed in this location for over 100 years. This building has no further agricultural use.
- (iv) The proposal would provide much needed housing facilities for mid Sussex.
- (v) The proposed development meets the sustainability requirements. It will not impact on the current situation and the proposed drainage system will ensure there is no increase in runoff downstream. The residual risks can be mitigated by appropriate resistant and resilience measures noted above.

4.29.4 The location and siting of the proposed dwelling would therefore not be impractical or undesirable the proposed use would be suitable for this context.

4.29.5 In terms of point iii) the FRA confirms that the site is at risk from surface water flooding. However, the applicant has sought to address the matters raised within the FRA by installing the following flood resilient measures, identified on the supporting plans:

- i. All sleeping accommodation over 600mm of the highest flood line
- ii. Safe access and egress routes can be achieved
- iii. The base plinth in masonry, so no timber wall structures are located in habitable areas, sitting below 600mm above the flood line
- iv. Concrete slab base with PIR insulants

- v. Access doors where within 600mm of flood line all in PPC aluminium (not timber) and to have epoxy seals
- vi. Raised faceplates and sockets at ground floor, located at least 600mm above flood line

- 4.29.6 The risk of flooding to others due to the development proposals is negligible.
- 4.29.7 As such the development will be safe for its lifetime, taking into account the vulnerability of its users, subject to the measures proposed above.
- 4.29.8 The exception Test is passed in accordance with the guidance set under National Planning Policy Framework.

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

- 4.30 The NPPG notes that *'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 and realistic, and undesirable reflects that it would be harmful and objectionable'*.
- 4.31 In considering whether a location is appropriate the NPPG states *'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'*.

- 4.32 There are a number of residential properties located in the immediate vicinity, including no's 1 and 2 Hungerfield Cottages and Mallards to the north-east east along Northend Lane, and Cobbs mill to the west which function successfully. The location is not isolated as the A23 to the West provides direct access into Brighton and other larger coastal settlements, while Cuckfield Road provides a direct route into the settlement of Hurstpierpoint which offers a good range of facilities to serve a dwelling. Burgess Hill is only 1.7km to the east.

f) The design or external appearance of the building

- 4.33 The design of the proposed dwelling is considered to be suitable for the rural location and will largely read as a facelift to the existing attractive rural building.

g) The provision of adequate natural light in dwellinghouses

- 4.34 Each main room will be served by a window to provide natural light and ventilation into the dwelling.
- 4.35 It is our view that the proposal complies with all Class Q criteria.

Appendix A

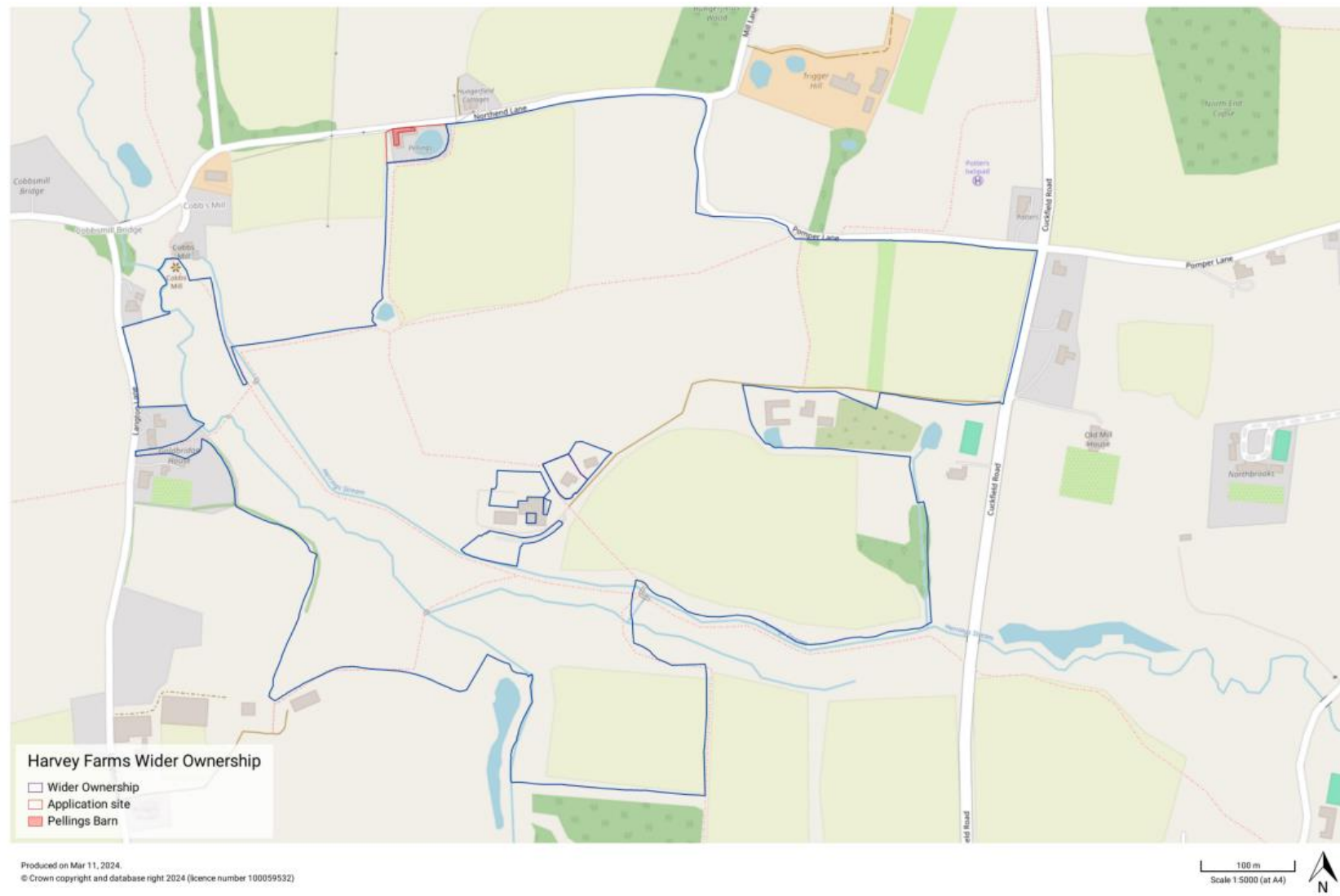
Site Photos







Appendix B – Land in wider ownership



Appendix C – Structural Survey (attached separately)

Appendix D – Crashmap data extract

