

PLANNING STATEMENT

in support of Prior Approval Application for change of use of 4 buildings from agricultural use to residential (C3) with associated operational development, under Class Q, at Hammonds Mill Estate, London Road, Hassocks, BN5 9SU

Planning Statement reviewed and updated 22 February 2025 (no material changes)

The 2025 PA application is under the Class Q 'transitional provisions' for the same proposals as the 2022 scheme which received Prior Approval

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1. INTRODUCTION

- 1.1 This planning statement has been prepared in support of a Prior Notification application for the change of use of **four** agricultural buildings, with associated operational development, at Hammonds Mill Estate, Hassocks, from agricultural use to residential use (C3).
- 1.2 It includes a description of the site and buildings, a contextual heritage statement for Hammonds Mill Estate, a description of the proposals with outline plans and elevations, a structural report on the condition of the agricultural buildings, a statutory declaration on the agricultural use in 2013 and an assessment of how the proposals meet the legislative framework set out in Class Q of the Town and Country Planning (General Planning Development) (England) Order 2015 (as amended)
- 1.3 There are four agricultural buildings arranged as two sets of adjoining 'barns' dating from the early mid 20C arranged around a concrete hardstanding 'farm yard', at a sheltered location near the centre of Hammonds Mill Estate, previously known as Hammonds Mill Farm Estate, a 93 acre holding. The proposal is to convert **four** of the buildings, notated as Buildings **1_2_3_4** to form **two** 'smaller' dwellings in Buildings 3 and 4 and one 'larger' **and one 'smaller' dwelling in Buildings 1 and 2.**
- 1.4 The name of the estate reflects an earlier and original land use, being the location of a large 3 storey water driven mill, an associated mill house, mill pond and mill race fed by the Herring stream, known as Hammonds Mill. The 3 storey mill was demolished in 1974 before it could be 'listed', the associated Mill House was grade II listed later, but named as the Farmhouse in the listing, it's then use. The original mill pond was filled in at the end of the 20C, the mill race still exists and is used as the water source for the new lake that was created at the south eastern approach to the Mill House at the same time.
- 1.5 Hammonds Mill and land had become part of a larger parkland estate, known as Clayton Priory by the late 19C, but this large estate was subsequently divided again in the early mid 20C when the owners moved to a smaller part of the estate, which included

Hammonds Mill, the Mill House and 93 acres, at which point it became an operational farm holding, known as Hammonds Mill Farm with the four agricultural buildings (barns) constructed close to the mill, mill house and mill pond, around a new farmyard. Hammonds Mill House then became known as Hammonds Mill Farm House.

- 1.6 A farming operation continued at the 93 acre Hammonds Mill Farm until 2018 when its viability as a farm holding had declined to the point where it had to be sold in the open market as a small country estate. The Prior Notification application is by the new owners of Hammonds Mill Estate.

A local farmer continues to rent two enclosed fields of 25 acres to graze sheep and cut hay in a further 25 acres under the current registered County Parish Holding farm number.

2. SITE DESCRIPTION

- 2.1 The four agricultural buildings are located on the 93 acres Hammonds Mill Estate, located to the west of London Road, between Hassocks and Burgess Hill, accessed via a long private road, parallel to the mill race and known as Mill Race. The private lane is also shared by the Hammonds Mill House (known as Hammonds Mill Farmhouse), the associated private stables, Old Dairy Cottages and the hardstanding former farmyard around which the four agricultural buildings, Old Dairy Cottages and the private stables are located.
- 2.2 All these buildings, including the site of the former 3 storey water mill, the infilled former mill pond and the 93 acres are under the one ownership, the Hammonds Mill Estate, which also includes the mill race, tail race, the mill pond overflow stream, the Herring stream, a sand menage, a lake, together with the land holding of 93 acres, comprising pasture fields, parkland, woodland and a small area of ancient woodland.
- 2.3 The application buildings are two early mid 20C agricultural buildings, each one comprising two adjoining portal frame 'barn' type buildings, around a concrete hardstanding which formed part of a farm yard from the early mid 20C. The two adjoining buildings to the south west side of the hardstanding are notated as Building 3 and Building 4 and the two adjoining buildings to the north side are notated as Building 1 and Building 2. The proposal is to convert Buildings 2, 3 and 4 while retaining Building 1 as an agricultural building.
- 2.4 To the south east side is the private stables (part of the former 3 storey water mill outbuildings) and the site of the former water mill itself. Further to the south east is the Mill House (with a separate access from the private lane (not via the farm yard), to the north west side is Old Dairy Cottages (a conversion of a former, smaller farm outbuilding) and to the north east side is the site of the former mill pond (infilled at the end of the 20C). The mill pond sluice remains, with part of the mill pond overflow stream culverted below

the the concrete hardstanding to emerge as the open overflow stream at the south side, where it discharges back into the Herring Stream further to the south.

- 2.5 There is a public right of way relatively close to the west of the farmyard/former water mill complex which extends from south of the Herring stream, northwards up the rising ground, eventually reaching common land near the southern Burgess Hill by pass.
- 2.6 The Mill House is grade II listed (named as the Farmhouse) and there is an area of designated ancient woodland further to the south east, one pasture field beyond the Herring Stream and bordering the adjoining, separate, (former) Nurseries site
- 2.7 The Herring stream and its margins are in Flood Risk Zone 3, the Fluvial Flood Zone which extends towards part of the 'wild' garden area of the listed Mill House, but not as far as, or close to Buildings 3 and 4.
- 2.8 Buildings 1 and 2 are on the rising ground and have been cut in to the existing ground, with a 3 metre surround margin, at the north east, north west and south east sides, formed by grassed banks which diminish as they return down the north west and south east sides. At the north west side there is a mature conifer tree belt and on the north east side a native deciduous tree belt which is part of the mid 20C extensive woodland planting area that extends to the north and the parkland part of the estate.
- 2.9 As Buildings 1 and 2 are cut into the natural ground, the tree belts lie between Buildings 1 and 2 and the public footpath and there is a relatively high, native, deciduous hedge between the public footpath and Buildings 3 and 4, it does mean that the impact of the buildings is not particularly noticeable to users of the public footpath.

2.9 In the same way, the location of all the buildings being towards the centre, low lying, sheltered part of the estate and with the further 'cutting in' and tree belt screening of Buildings 1 and 2, it does mean that the buildings are not particularly noticeable and are not intrusive in the natural landscape, from any direction, in near or far views, despite the size and height of Buildings 1 and 2.

2.10 The external footprint areas and ridge heights of the four buildings are:

Building 1	377 m ²	7.05 m ridge height	Building 3	169 m ²	4.05 m ridge height
Building 2	450 m ²	5.54 m ridge height	Building 4	218 m ²	4.65 m ridge height

2.11 Buildings 3 and 4 have previously been used primarily used for lambing, food and bedding storage and Buildings 1 and 2 originally as cattle stalls, food and bedding storage, agricultural equipment storage, but more recently used for lambing, food and bedding storage and agricultural equipment storage, when the cattle rearing and milking operations ceased to be viable.

2.12 Buildings 3 and 4 are of concrete portal frame construction with mid height concrete block work external walls with vertical timber board slatting above, providing good ventilation, corrugated/profiled asbestos roof sheeting and vertical sheet cladding above gable end openings. Profiled clear roof lights are set in the roof slopes. There are three portal frame bays on longitudinal elevations and each building has its own portal frame span with shared portal columns, infilled with concrete block work/vertical timber board slats forming the internal separating wall between the two buildings. Floors are part reinforced concrete and part well compacted sub base left as the operational floor level.

2.13 Buildings 1 and 2 are of steel portal frame construction with mid height timber plank, or concrete plank external walls with vertical timber board slatting above, providing good ventilation, corrugated/profiled asbestos roof sheeting and vertical sheet cladding above

gable end openings. Profiled clear roof lights are set in the roof slopes. There are five portal frame bays on longitudinal elevations and each building has its own portal frame span with shared portal columns, infilled with timber plank/vertical timber board slats forming the internal separating wall between the two buildings. Floors are part reinforced concrete and part well compacted sub base left as the operational floor level.

- 2.14 The structural condition report gives a more detailed description of the construction of the buildings and confirms in the structural analysis that the structural condition is sound and capable of supporting any additional loads that may result from a conversion to residential use which complies with building regulations.

3. ESTATE HISTORY

- 3.1 The 93 acres which comprise Hammonds Mill Estate today, emerged from the sub division of Clayton Priory Estate in the late 1960s, which itself was earlier sub divided from Hammonds Place estate, Hammonds Place now only surviving as a large house at the southern end of Burgess Hill. Clayton Priory survives today as a large, restored country house in a parkland setting adjoining Hammonds Mill Estate to the north east.
- 3.2 Hammonds Mill, close to the Herring stream towards the centre of the current Hammonds Mill Estate, first appears in a document dating from 1482, later in land tax returns of 1780. A plan of Hammonds Place Farm from 1785 shows the form and layout of Hammonds Mill, which included a large Mill, three small outbuildings to the north and west and the Mill House to the east.
- 3.3 The 1881 Ordnance Survey map shows an enlarged Mill, further additions to the outbuildings to the north and west and rear extensions to the Mill House. The large mill pond and mill race to the north east, the tail race and the overflow stream to the south west are also shown, as they were on the 1838 Tithe Map.
- 3.4 In 1895 Hammonds Mill was operating as New Close Flour Mill, the valuation documents describing the Mill as 3 storey brick built (partly clad with weatherboard), the outbuildings to the north and west as pig sties, open cow shed/calving pen and cattle yard, stables with storage over and the Mill House as brick built, stuccoed with tile roof over three floors with two outbuildings described as a wash house and wood store.
- 3.5 At this period it is clear that the principal activity and income continues to be from the 3 storey water mill, with an increasing supplemental 'farming' activity associated with the outbuildings to the north and west which were arranged around two sides of a small 'farm yard'.

- 3.6 It appears that flour milling ceased around 1903 with the mill then used for the production of copper wire and later for grinding animal foodstuffs. The 1910 Ordnance Survey map still refers to the Mill as a Corn Mill, but shows further additions to the outbuildings to the north and west which probably indicates the decline of the mill as a source of revenue, the economic emphasis of the site by this time having shifted more towards agriculture.
- 3.7 The 1937 Ordnance Survey map shows further additions to the outbuildings to the north and west.
- 3.8 In 1969, a few years before the demolition of the Mill, planning consent was granted for agricultural buildings of 9000 ft² including a reinforced concrete frame extension, milking parlour, dairy unit, cattle and calving pens, which coincided with the sub division of the Clayton Priory estate and the move by the Sainty family to the 93 acre holding, which included, Hammonds Mill and the Mill House which became the Sainty family home. The original outbuildings to the north and west of the Mill, except one which was converted and became known as Dairy Cottage, were replaced by the very much larger, new agricultural buildings and the Mill was subsequently demolished in 1974, before it could be listed.
- 3.9 The Sainty family did not rely on the income from the relatively small agricultural unit to maintain the Mill House and added a two storey extension to the east of the Mill House at this time. The cattle/dairy man lived on site in the one retained outbuilding, Dairy Cottage which had been converted (unauthorised) to a dwelling.
- 3.10 In 1983, the Mill House was Grade II listed, named as Hammonds Mill Farmhouse, but correctly described '*an 18C or earlier house, restored and refaced....*'
- 3.11 In 1992, Dr Hudson, then the owner of Hammonds Mill Farm, as it was known, applied for a woodland grant scheme, describing it as the 'conversion of (part) arable land growing linseed and improved grassland, to woodland. The Forestry Commission approved the

grant and planning consent obtained. The woodland area is to the north and north east of the former mill pond and agricultural buildings, merging with the parkland part of the estate adjoining the parkland at Clayton Priory estate.

- 3.12 In 2000, Mr and Mrs Russell, then the owners of Hammond Mill Farm Estate, as it had become named, obtained planning consent and Environment Agency approval to infill the mill pond and significantly enlarge the lake to the east of the Mill House, with the mill 'in' race as the water source and the sluiced, lake 'out' stream discharging into the Herring stream.

4. PLANNING HISTORY

- 4.1 1969... A few years before the demolition of the Mill, planning consent was granted for agricultural buildings of 9000 ft² including a reinforced concrete frame extension, milking parlour, dairy unit, cattle and calving pens which coincided with the sub division of the Clayton Priory estate.
- 4.2 1974...The Mill demolished and planning consent granted for a two storey eastern extension of the Mill House.
- 4.3 1987...Planning consent granted, after appeal, for the conversion of an outbuilding to form a farm workers dwelling (the Old Dairy).
The Planning Inspector's report concluded that the Local Authority were wrong to consider that Hammonds Mill Farmhouse was an agricultural dwelling, but rather it was a substantial residential house, far too large to be supported from the income generated from a relatively small agricultural holding, a mixed farm of 93 acres. The inspector agreed with the Appellant and the Local Authority that the full time agricultural worker who ran the intensive livestock (cattle) operation on the farm needed to live on site, upheld the appeal and retrospective planning consent was granted for the conversion of the outbuilding (The Old Dairy) to a cottage for the farm worker.
- 4.4 1992...Planning consent granted for woodland to the north and north east of the mill pond and the agricultural buildings.
- 4.5 1997...Planning consent granted for a detached double garage, with separate access from the private lane, for Hammonds Mill House (the Farmhouse).
- 4.6 1998...Planning consent granted for a private stable block and menage associated with Hammonds Mill House (the Farmhouse)

- 4.7 2000...Planning consent granted for a new lake associated with and to the south east of Hammonds Mill House (the Farmhouse)
- 4.8 2014...Certificate of Lawful Use issued for Dairy Cottage as a separate residential unit.
- 4.9 2015...Planning Consent granted for a part two storey and part single storey extension to Old Dairy Cottage.
- 4.10 2018...Hammonds Mill Farm transfer registered to Mr K Brown with the Rural Payments Agency as an agricultural holding for the rearing of livestock (sheep) with associated pasture land. The registered County Parish Holding (CPH) number is 42/342/0152
- 4.11 2018...Planning consent for a new entrance gate and removal of the cattle grid at the London Road entrance.
- 4.12 2022...Class Q Prior Approval received for the conversion of four agricultural buildings (two sets of two adjoining barns) to three 'smaller' dwellings and one 'large' dwelling with associated parking.

5. HERITAGE APPRAISAL

- 5.1 A Heritage Appraisal for Hammonds Mill Farmhouse was prepared by Conservation Plus, in March 2017. The appraisal reviewed the historical background with reference to old maps, valuation surveys and other documents which have been summarised in paragraphs 3.1 - 2.12 above, as well as describing in detail the construction of the grade II listed house, the additions and alterations.
- 5.2 The Appraisal acknowledges the early origins of the house, from the mid 18C, as the Mill House and that it continued in this use until the early 20C. By this time however the outbuildings to the north and west (pig sties, cattle sheds and stables) of the Mill had developed further around an informal 'farmyard' indicating agricultural activities were becoming more viable than milling operations.
- 5.3 The 19C and early 20C maps also show a large formal garden at the south of the Mill House (the front), an adjoining orchard to the south east and a washhouse and store on the north (rear) side with the mill pond and mill race beyond.
- 5.4 Nothing remains on site however of this late 19C/early 20C development of agricultural/farming activities, except what is now known as Old Dairy Cottages on the north west side of the former mill. These older, smaller, simple farm buildings and the 'farmyard' were demolished in the mid to late 1960s, to be replaced by the much larger, more modern portal frame agricultural buildings that are the subject of the prior approval application, to be followed in 1974 by the demolition of the 3 storey Mill (before it could be listed) and a two storey extension added to the Mill House.
- 5.5 It is around this time that the Mill House became known as Hammonds Mill Farmhouse, later to be grade II listed in 1983 under this name, but described in the listing as *'an 18C, or earlier house, restored and refaced'*

- 5.6 Although the mill race, part of the tail race, the overflow stream, the outline of the mill pond and part of the mill wheel pit survive and contribute to an understanding of how the site was used from the early 18C, or earlier, until the mid 20C, the Heritage Appraisal concludes, in reference to the setting of the heritage asset (the listed house) that *'The character of the former farmyard (mid 19C to mid 20C) to the north and east of the former Mill has been much eroded by the modern, large agricultural buildings, the concrete hardstanding and an overly domestic conversion of the one surviving outbuilding. This complex of buildings does not make a positive contribution to the setting of the listed building, which has also lost the greater part of its primary context with the loss of the Mill'*
- 5.7 This can be taken as the appropriate starting point to assess the impact of the prior approval application proposals on the heritage asset (the grade II listed house)
- 5.8 The Mill, the mill pond and the 19C outbuildings and 'farmyard' which contributed a supplemental income to the primary milling operations have been lost and the introduction of the mid 20C agricultural buildings has harmed the setting of the listed 18C house, notwithstanding that the house itself had always been subservient to the adjoining large 3 storey brick and weatherboarded mill. Despite these mid 20C changes, the listed house remains recognisable as one of special interest and the proposals to convert the agricultural buildings to a residential use need to ensure that the existing harm to the setting of the house is not exacerbated, and if reasonably practicable, that the existing harm to the setting of the house can be reduced and the setting enhanced.
- 5.9 Buildings 3 and 4 are smaller, have lower ridge heights, are set lower in the landscape, are closer in scale and location to the earlier 'farm' outbuildings and the one remaining (converted) earlier outbuilding, and are to the west of the former 3 storey Mill, which pre the 1974 demolition would have been the predominant building that would have defined the setting to the west of the listed house and contributed to its historic context.
- 5.10 Conversion of Buildings 3 and 4 therefore would have the least potential to impact on the setting of the listed house and the most

potential to reduce existing harm by improving the appearance of external materials, incorporating full height openings (where openings are needed), that would be more characteristic of the good quality, simple forms of vernacular farm buildings, that the existing buildings lack, while giving the opportunity to reform a positive relationship with the earlier 'farmyard', close to its original location.

- 5.11 Buildings 1 and 2 are larger, with taller ridge heights and although at a higher level on the north side, are cut into the rising ground with enclosing grass banks and mature tree belts to the north west and north east, which reduces their impact in the landscape and on the setting of the listed house when approaching from the north, west and east. The primary harm to the setting of the listed house is when approaching from the south and the Herring stream, the front of the house being on the south side, with the gable ends of Buildings 1 and 2 visible in the near to mid background. However, Buildings 1 and 2 are not predominant in the setting of the listed house and tend to be more 'glimpsed' when walking along the banks of the Herring stream towards the footbridge. Once at the footbridge and walking further west to join the north/south public footpath, the agricultural buildings appear sufficiently distant from the listed house to not be viewed as part of the setting of the house.
- 5.12 Building 1 has a higher ridge but is sheltered, cut into the rising ground and well screened by a mature consider tree belt from the public footpath near the west elevation. It is not proposed to convert this building, other than improve the quality and appearance of the external materials to the south gable end, as there is some potential for increased harm through conversion, than with the lower Building 2 which is hardly seen in the mid background above the listed house, viewed from the south and south west, or at all when viewed from the private lane approach to the house from the south east.
- 5.13 If the MSDC Heritage Officer is of the view that the removal of Building 1 would bring a desirable reduction in existing harm to the setting of the listed house, this would not adversely impact on the deliverability of the conversion of the adjoining Building 2, although this is likely to require a further, associated prior approval application.

- 5.14 Building 2, with a lower ridge height, an east/south east long elevation, also cut into the rising ground with enclosing grass banks on the north and east sides, is less prominent in the setting of the listed house and only has a visual impact when passing the rear of the house on the way to the concrete hardstanding and south gable. Building 2 (and 1) are not visible in the setting of the house on the long approach via the private lane and mill race, or from the woodland to the north and only glimpsed from the public footpath, running north south, to the west of the buildings and Old Dairy Cottages.
- 5.15 Conversion of Building 2 therefore would have little potential to impact adversely on the setting of the listed house and some positive potential to reduce existing harm by improving the appearance the south gable end with the introduction of good quality external materials, incorporating full height openings (where openings are needed), that would be more characteristic of the typical materials and simple forms of vernacular farm buildings, that the existing building lacks, while giving the opportunity to re set a more appropriate relationship with a more sensitively resurfaced hardstanding 'farmyard'.
- 5.16 If the MSDC Heritage Officer is of the view that reinstatement of the mill pond (the mill race, sluice, part of the tail race and overflow stream survive) which is located between the rear of the listed house and the south east corner of Building 2 would bring a desirable enhancement to the setting of the listed house and its primary context, this would not adversely impact on the deliverability of the conversion of [Barns 1_2](#), although this is likely to require a further, associated prior approval application.
- 5.17 Although the listed house had a large formal garden to the south (front), an orchard adjoining to the east, a wash house and external open stores on the north side, the conversion proposals seek to; locate small private gardens to the new dwellings out of sight; provide vernacular timber board slatted screens to drying areas and external stores; retain open pasture with native hedges and trees as open communal outdoor spaces; provide parking out of sight, including the use of Building 1; enhance the hardstanding surface materials while retaining an open, undivided farmyard appearance; to ensure that the more obvious features of domestication do not prevail and harm the setting of the listed building.

- 5.18 In conclusion, the primary contextual mill setting of the listed house has been lost, and although the surviving mill race, outline of the mill pond, part of the tail race, part of the wheel pit and the mill pond overflow stream do contribute to an understanding of how the site was used from the early 18C, or earlier, the loss of the 19C outbuildings to the west and north of the mill and listed house has eroded the later, secondary, alternative, modest scale 'farmyard' setting of the listed house. Overall, therefore, an assessment of the impact of the conversion of the three agricultural buildings on the 'setting(s)' of the listed house, is an assessment of the impact on lost settings and the lost predominant building. Nevertheless, the proposals are more likely than not to bring an improvement to the current setting(s), through the introduction of enhanced, quality external materials, farm building vernacular appropriate openings and detailing, with the potential attraction of restoring the mill pond to strengthen the original primary context setting.
- 5.19 The other designated heritage asset within the estate is a an area of ancient woodland near the southern boundary with the Nurseries, beyond field pasture on the south side of the Herring stream. This ancient woodland however is somewhat distant from the location of the agricultural buildings and the listed house and the proposals therefore will not have any impact on the ancient woodland, or its setting.

6. PROPOSALS

6.1	Building 1	Conversion to provide 1 x 3 bed dwelling (with removal of two portal frame bays)	98 m2	(covered parking spaces within Building 1)
	Building 2	Conversion to provide 1 x 4 bed dwelling (with removal of one portal frame bay)	320 m2	(covered parking spaces in Building1)
	Building 3	Conversion to provide 1 x 2 bed dwelling	95 m2	(covered parking space within Building 3)
	Building 4	Conversion to provide 1 x 2 bed dwelling	98 m2	(covered parking space within Building 4)
	Proposed footprint of four dwellings		611 m2	(Existing footprint of four barns 1214 m2)

6.2 Building 3 and 4 proposed conversions include an open lounge/dining/kitchen area, with separate bedrooms and bathrooms, as would the proposed conversion of Building 1, with 3 separate bedrooms.

6.3 The Building 2 proposed conversion would include an open lounge/dining area, separate kitchen, en suite bedrooms and a small games room. It would have an east, south and north aspect.

6.4 The design approach will be to retain the simple vernacular farm building forms and multi bay elevational appearance, while replacing external roof and wall materials with a palette of sustainably sourced, local farm building vernacular materials which will improve and enhance the overall external appearance when compared to the poorer quality, agricultural industry standard materials used in the existing buildings.

- 6.5 The vertical, timber board, slat elevational treatment between the top of the 'solid' external walls and the eaves and gable end sheet cladding, which provide good ventilation to the buildings. are a particular feature. The proposal is to retain and refurbish/part replace this external elevational treatment with the addition of double glazed, simple timber framed, internal opening bands of glazing, set back on the interior side, which will retain the appearance and function of the open vertical slats providing diffuse natural light and natural ventilation to many of the spaces in the new dwellings.
- 6.6 As the character and form of the buildings is that of a framed structure, where external walls and openings between structural columns are not load bearing and can be open, closed, or partly closed to suit a particular use of the building, either originally, or during the lifetime of the building, proposals for new openings required to provide necessary further windows and doors for the new dwellings are to introduce those elements as full height/full width openings in conjunction with timber board cladding to reflect and retain this framed bay characteristic of the buildings.
- 6.7 A more detailed description of the proposed works can be found in 7.3 (i) which demonstrates compliance with building operations that are allowed under the Class Q criteria. Paragraph 5.17 of the Heritage Appraisal describes design features and strategies that will be included to sensitively and appropriately provide for screening and keep out of sight domestic paraphernalia associated with the introduction of new dwellings in a rural, mill and agricultural setting.

7. CLASS Q COMPLIANCE

7.1 Class Q1 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 (dwelling houses) 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 (dwelling houses) of that Schedule.*

Class Q1

7.2 Q1 of the Order sets out the criteria that the site must meet to benefit from the rights. Compliance with these criteria is summarised in the following paragraphs.

7.3 The criteria in the Order are defined in the negative, in other words, 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 20 March 2013; or*
 - ii) *in the case of a building which was in use before that date, but was not in use at that date, when it was last in use, or*
 - iii) *in the case of a site which was brought into use after 20 March 2013, for a period of at least 10 years before the development under Class Q begins.*

Buildings 1 and 2 and Buildings 3 and 4 lay within an established agricultural unit, used for lambing, food and bedding storage and agricultural equipment storage, on 20 March 2013 (Appendix A Statutory Declaration).

b) In the case of:

i) A larger dwelling house, within an established agricultural unit:

The cumulative number of separate larger dwelling houses developed under Class Q exceeds 3; or

The cumulative floorspace of the existing building or buildings changing use to a larger dwelling house or dwelling houses under Class Q exceeds 465 square metres.

c) In the case of:

i) A smaller dwelling house, within an established agricultural unit:

The cumulative number of separate smaller dwelling houses developed under Class Q exceeds 5; or

The floor space of any one separate smaller dwelling house having a use falling within Class C3 (dwelling houses) of the Schedule to the use Classes Order exceeds 100 square metres.

The application proposal is for 3 smaller dwellings under of 98 m², 95 m² and 98 m² and one larger dwelling of 320 m², which does not exceed the restriction on the number of dwelling units or floor areas of dwelling units.

d) The development under Class Q (together with any other development under Class Q) within an established agricultural unit would result in either or both of the following:

- i) a larger dwelling house or larger dwelling houses having more than 465 square metres of floor space having a use falling within Class 3 (dwelling houses) of the Schedule to the Use Class Order;
- ii) the cumulative number of separate dwelling houses having a use falling within Class c3 (dwelling houses) of the Schedule to the Use Classes Order exceeding 5:

The total number of proposed small dwelling houses provided within the agricultural unit under Class Q would be 3, the proposed larger dwelling house would be under 465 m², no other buildings have changed use under Class Q within the agricultural holding and the total number of dwelling houses created under Class Q would be 4.

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

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.

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 20 March 2013; or

ii) where development under Class Q begins after 20 March 2023, during the period which is 10 years before the date development under Class Q begins;

No development under either Class A(a) or Class B (a) has been carried out on the agricultural unit since 20 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.

The proposals would not result in the external dimensions of any of the buildings extending beyond the external dimensions of the existing buildings. All new windows and doors would sit within, or behind the external walls and replacement roof sheeting and vertical sheet cladding would not extend beyond the external line of the existing roof sheeting or vertical cladding, through appropriate and standard architectural construction detailing and internally installed roof and wall insulation.

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 dwelling house; and
- ii) partition demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i)

Guidance on the extent of building operations permitted is provided by Planning Practice Guidance. In particular 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."

All the proposed works are the minimum necessary to enable the buildings to function as dwelling houses and are limited to operations listed in i) above. The proposed works are summarised below:

Addition of doors and windows to allow natural day light and natural ventilation to habitable rooms to meet Building Regulation requirements, in elevational locations and to a design in openings that are consistent with the scale and appearance of openings that would typically be found in multi bay, framed agricultural buildings.

Replacement of corrugated/profiled asbestos cement, over purlin, roof sheeting with dark grey, standing seam, over purlin metal roof sheeting incorporation insulation within the purlin depth and under purlin.

Replacement of some profiled clear sheet roof lights with double glazed 'conservation' type roof lights, flush with the metal roof sheeting, only on the concealed 'inner' roof pitches not visible from outside.

Replacement of corrugated/profiled asbestos cement vertical cladding areas with dark grey, wide plank metal vertical cladding incorporating insulation within and internally over the cladding rails and support framing.

Replacement of valley and perimeter gutter linings and downpipes with dark grey metal linings and downpipes.

Replacing concrete plank external walls with horizontal timber boarding, adding cavity insulation and internal dry lining, refurbishing timber plank external walls, adding cavity insulation and internal dry lining, refurbishing vertical timber board slatting (between the top of the 'solid' external walls and the eaves), adding double glazed framed, internally opening panels internally (providing diffuse light and natural ventilation, while retaining the existing agricultural building external appearance) (Buildings 3 and part Building 4)

Render weathering block work external walls, adding cavity insulation and internal dry lining, refurbishing vertical timber board slatting (between the top of the block work external walls and the eaves), adding double glazed framed, internally opening panels internally (providing diffuse light and natural ventilation, while retaining the existing agricultural building external appearance) (Buildings 1 and 2)

Installation of ground bearing concrete slab floors over existing well compacted sub base floors, refurbishing existing concrete slab floors, adding insulation and floor finishes, incorporating a damp proof layer, to meet Building Regulation requirements (the PPG confirms that such works are not considered to be development or structural alterations)

Installation of internal partitions.

Installation of water, drainage, electricity extended from the existing incoming services and installation of new ground source heat pumps (for heating) to deliver as near as practicable a zero carbon approach. The potential to generate on site electricity using the water flow and capacity of the existing mill in race/sluice/out race will also be investigated.

A structural appraisal has also been undertaken by Cassells Drummond, Building Structures Consultants, which confirms that the existing portal frame structures are sound and are capable of transmitting any additional loads imposed by the proposed residential conversion works to the structural frames and foundations without any structural alterations or strengthening works. (Appendix F)

The conversion of Building 1 to Use Class C3 (dwelling house) is not proposed, it will be retained to provide covered parking for adjoining Building 2 and storage, unless the Heritage Officer is of the view that demolition would lessen the existing harm to the setting of the listed Mill House (listed as Farmhouse) in which case a prior application for its demolition would have to be made.

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

The site is not on Article 2(3) land although it does lie within a Strategic Gap in the Local Plan and Local Gap included in the emerging Hassocks Neighbourhood Plan.

k) The site is, or forms part of:

— A SSSI

— A safety hazard area

- A military explosive area
- The site is or contains a scheduled monument: or
- The building is a listed building

The site is not located within one of these areas and the buildings are not listed.

Class Q.2

7.4 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 prior approval of the authority will be required for the following matters:

a) Transport and highways impacts of the development

7.5 The site is accessed via a gated, long, private lane, known as Mill Race, directly from London Road which runs from Hassocks to Burgess Hill. The private road serves Hammonds Mill Estate which includes the Mill House, the private stables, Old Dairy Cottages, and the four agricultural buildings around the concrete hardstanding farm yard. The private lane is in good condition and although predominantly a single lane, there are passing places on the south side, the mill race running parallel to the lane on the north side.

7.6 A planning application for alterations to the gate at London Road and removal of the cattle grid in 2018 was reviewed by the highway authority and found to be acceptable as a highway entrance/exit with an open in, set back gate and adequate visibility splays.

- 7.7 The change of use to four dwellings will not result in a material increase in vehicle trips or a material change in character of the traffic regularly accessing and leaving the site.
- 7.8 Although the prior notification process does not facilitate consideration of proposed parking arrangements, car parking for the proposed dwellings in Building 2 will be located within adjoining Building 1 and car parking for Buildings 3 and 4 will be located out of sight of the grade II listed Mill House (Farmhouse) which has its own private access from the lane and is not accessed from the concrete hardstanding farm yard. There will therefore be no detrimental impact on the listed Mill House (Farmhouse) arising from cars accessing or parking at the proposed new dwellings.

b) Noise impacts of the development

- 7.9 The addition of four new dwellings at the site will not cause any significant increase in noise at the site or its surroundings and there are no uses nearby which would have any noise impact on future occupiers of the new dwelling houses.

c) Contamination risks on the site

- 7.10 The building roofs and some vertical cladding are formed with asbestos cement based sheets, which will be removed and disposed of by a licensed contractor in line with Health and Safety Executive guidance.

No other contamination risks have been identified with the buildings, their previous uses, or the site. The Environment Agency monitors the Herring stream and no contamination or agriculture based pollution arising from the Hammonds Mill Estate has been recorded.

d) Flood risks on the site

- 7.11 The low lying parts of Hammonds Mill Estate, around the Herring stream are within a Zone 3 Fluvial Flood zone where there is a flood risk and where local flooding is occasionally experienced. However the proposed new dwellings will be in agricultural buildings that are on higher ground, outside the flood zone area and there is no record of flooding at these buildings or their immediate surroundings.
- 7.12 The former mill pond was filled in at the end of the 20C with the mill race culverted under the infill. The existing mill and overflow stream is culverted under the concrete hardstanding and becomes open again at the south end of the farmyard where it continues southwards to discharge into the Herring stream. The mill (in) race is also the water supply for the lake near the Herring stream and to the south east of the listed Mill House (Farmhouse), the lake discharging via a weir into the stream.

e) Whether the location or siting of the building(s) makes it otherwise impracticable or undesirable for the building to change from an agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order

- 7.13 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 judgement. Impractical reflects that the location and siting would not be sensible and realistic, and undesirable reflects that it would be harmful and objectionable'*
- 7.14 In considering whether a location is appropriate the NPPG states *'a local authority should start from the premise that the permitted development right grants planning permission, subject to prior approval requirements. That an agricultural building is in a location where the local authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.'*

‘The buildings already benefit from existing access and there are no other factors relating to the location or siting of the buildings that would deem this proposal unacceptable. It is noted that the site is in an unsustainable location so future occupiers will be reliant on the private car. However, by definition, buildings to be converted under Part Q will be located in rural areas where access to local services will be restricted to a degree ‘ MSDC officers conclusion (2019) on prior approval application for the adjoining Nurseries site.

Hammonds Mill Farm Estate is closer to the retail development to the north which includes a Tesco store, which is an acceptable walking distance (800 m) from the proposed dwellings, via the estate and public footpath network. The estate is also close to Burgess Hill and Hassocks local facilities and can be considered a rural, but not remote, sustainable location, even if future occupiers use a private car.

There are also several, rural, but not remote houses located within half a mile of the Estate; Hammonds Mill Cottages, Clayton Priory, Scotches.

The proposals are not for new buildings in the countryside, the buildings are not visible from the main highway, London Road, and the complex of buildings at Hammonds Mill Farm Estate are situated at the sheltered, screened, lower part of the Estate, which is the natural location for rural buildings within a wider rural landscape.

The proposals also reduce the existing harm to the listed Mill House (Farmhouse) caused by the mid 1960s agricultural buildings and can bring the potential to enhance the context setting of the Mill House (Farmhouse), if associated works are acceptable to the MSDC Conservation and Heritage Officer.

f) The design or external appearance of the building

The proposed changes to the external appearance and materials are considered appropriate to the rural location and will enhance the appearance, elevations, form and detailing of the existing agricultural buildings.

7.15 **In overall conclusion, it is considered therefore that it has been demonstrated that the proposals are compliant with all Class Q criteria.**

7.16 Although it is more usual, than not, for Class Q prior approval applications to be assessed to fail one or more of the criteria by local planning authorities, often subsequently going to appeal, there are two recent, Class Q applications that have prevailed at locations in the countryside, close to the Hammonds Mill Estate site and in a neighbouring local authority in West Sussex.

DM1/16/1087	Buildings at the Nurseries, Hassocks, a former nursery operation on land which is located at the southern boundary of Hammonds Mill Estate.
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DC/19/2541 DC/20/0031	A similar Atcost agricultural building at Swains Farm, Henfield, West Sussex, which is located within a farmyard which is within the setting of a listed farmhouse. After negotiation with Horsham DC it was agreed that a further modern agricultural building around the farmyard should be demolished to facilitate the Class Q conversion approval of the Atcost building, by securing some improvement to the existing harm caused by the modern agricultural buildings to the setting of the listed, historic farmhouse.
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APPENDIX A

Statutory Declaration (redacted)

DECLARATION

I, John Russell of Hammonds Mill Farm Estate, London Road, Hassocks, BN6 9NB, solemnly and sincerely declare as follows:

1. I purchased Hammonds Mill Farm, now known as Hammonds Mill Farm Estate, in December 1996 from a Dr Hudson and his wife. I have owned it continuously ever since.
2. Hammonds Mill Farm at the time I purchased it, was a registered agricultural holding which comprised 90 acres of grassland pasture and woodland, a large double bay barn, a smaller barn and Old Dairy Cottage arranged around a farm yard hardstanding.
3. Hammonds Mill Farmhouse was a large private residence where Dr Hudson had lived and included the adjoining small block of private stables, a stable yard, gardens and 3 acres of grassland between the house and London Road.
4. In 1997, planning consent was granted for a double garage associated with the house. In 1998 planning consent was granted a further small private block. In 2000 planning consent was granted for the formation of new lake in part of the grassland between the house and London Road.
5. During the time I have owned Hammonds Mill Farm Estate I have had an independent income which did not derive from the operation of the agricultural holding at Hammonds Mill Farm Estate.
6. During the time I have owned Hammonds Mill Farm Estate, the main farming activities on the agricultural holding have been the keeping of ewes, breeding and bringing on lambs, an operation run and managed by a local agricultural worker with seasonal assistance at busy times.
7. This arrangement continued until 2014, then intermittently until 2017, when Mr Kieran Brown took over the management of the agricultural holding and continued keeping ewes, breeding and bringing on lambs, if less intensively than in previous years. Mr Brown applied for a transfer of the agricultural holding into his name and the agricultural holding is currently registered with the Rural Payments Agency.
8. During the time I have owned Hammonds Mill Farm Estate, both the barns have only ever been used for agricultural activities, principally as penned shelters for ewes and lambs,

lambing, storing hay, livestock food and agricultural vehicles. No other uses have been made of the barns and no other businesses have been carried out from or within these agricultural buildings.

9. I can therefore confirm that the barns, being enclosed agricultural buildings, were solely in agricultural use, on a viable agricultural holding, in March 2013.

And I make this declaration conscientiously knowing the same to be true and by virtue of the Statutory Declarations Act.

DECLARED by John Russell

at

on **24 January 2019**

before me:

Solicitor

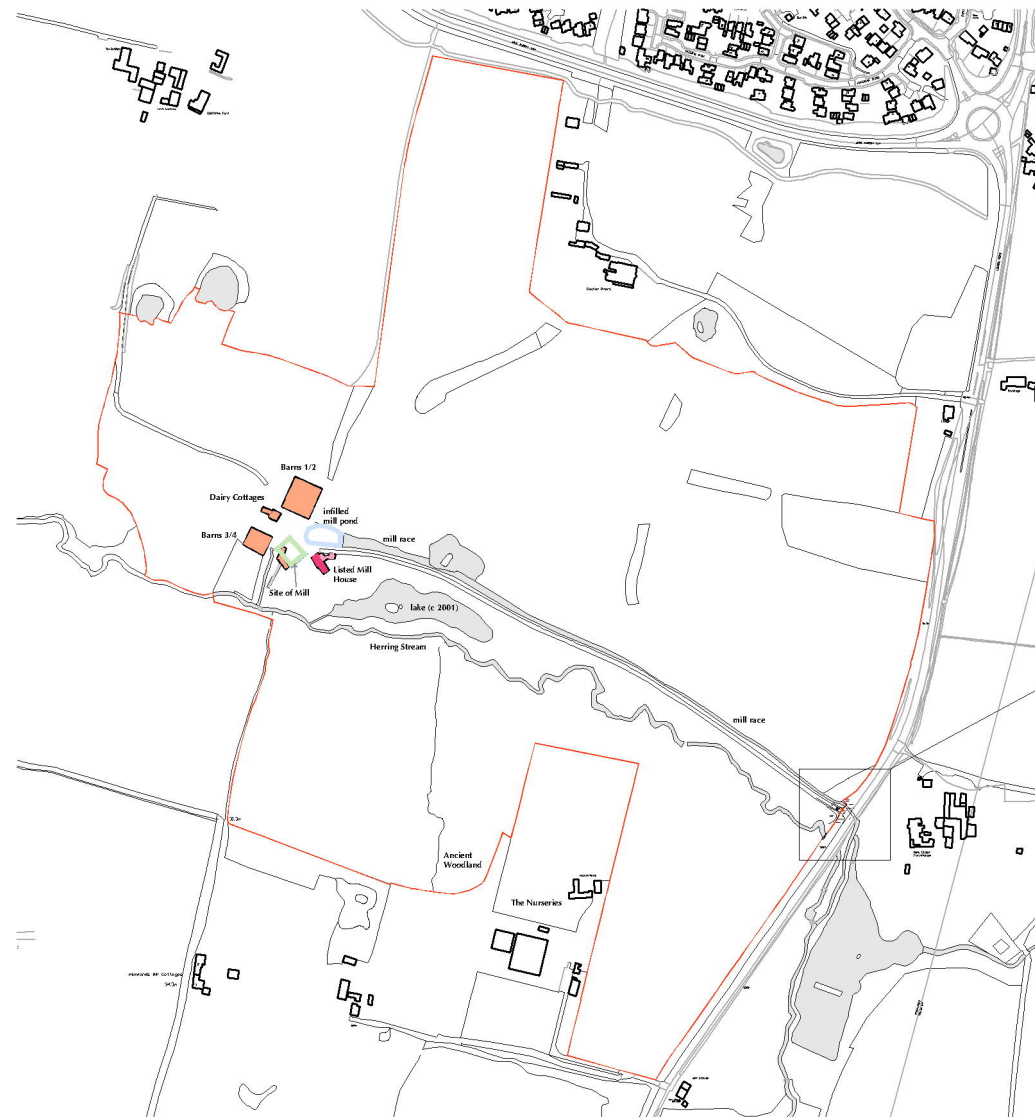
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APPENDIX B

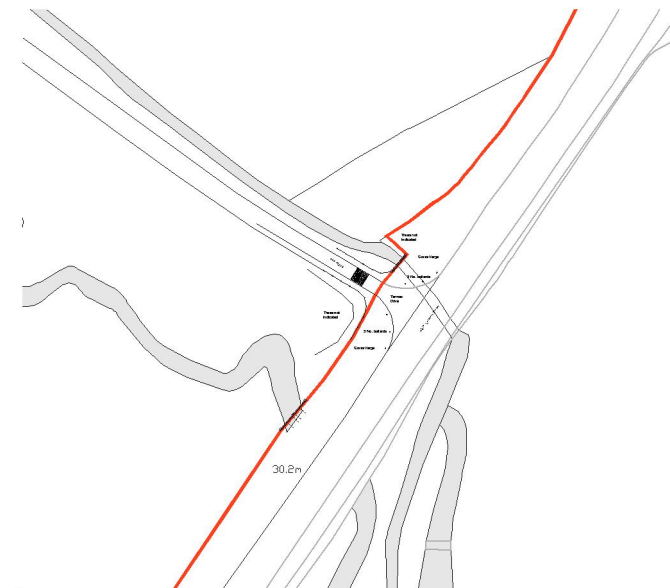
Location Plans

amendments				auth	chgd
rev	date	comment			
-	-	-	-	-	-

AS EXISTING
 Drawings produced solely for Keiran Brown and may not be reproduced without written consent or licence. Check all dimensions on site, do not scale off drawings without prior consultation with architects. Refer to this drawing in association with all other drawings, schedules, notes and other consultants information. Any discrepancies to be reported to architects immediately.



Site Location Plan
 0 50 100 150 200
 scale in metres 1:2500
 n



Block Plan
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 scale in metres 1:500
 n

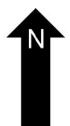
note:
 red line shown is Hammonds Mill Estate boundary,
 not the prior approval application site boundary which
 is shown on the application Location Plan

Hammond's Mill Mill Race, London Road Hassocks, BN6 9NB				Site Location plan As Existing	
drawn by IB	checked by -	no work stage 2	date Sept' 2017	scale/original sheet size As noted @ A1	

Hammonds Mill Farm



0 50
Metres



Plan Produced for: David Hutchison
Date Produced: 09 Apr 2021
Plan Reference Number: TQRQM21099151037439
Scale: 1:1250 @ A4

Location Plan

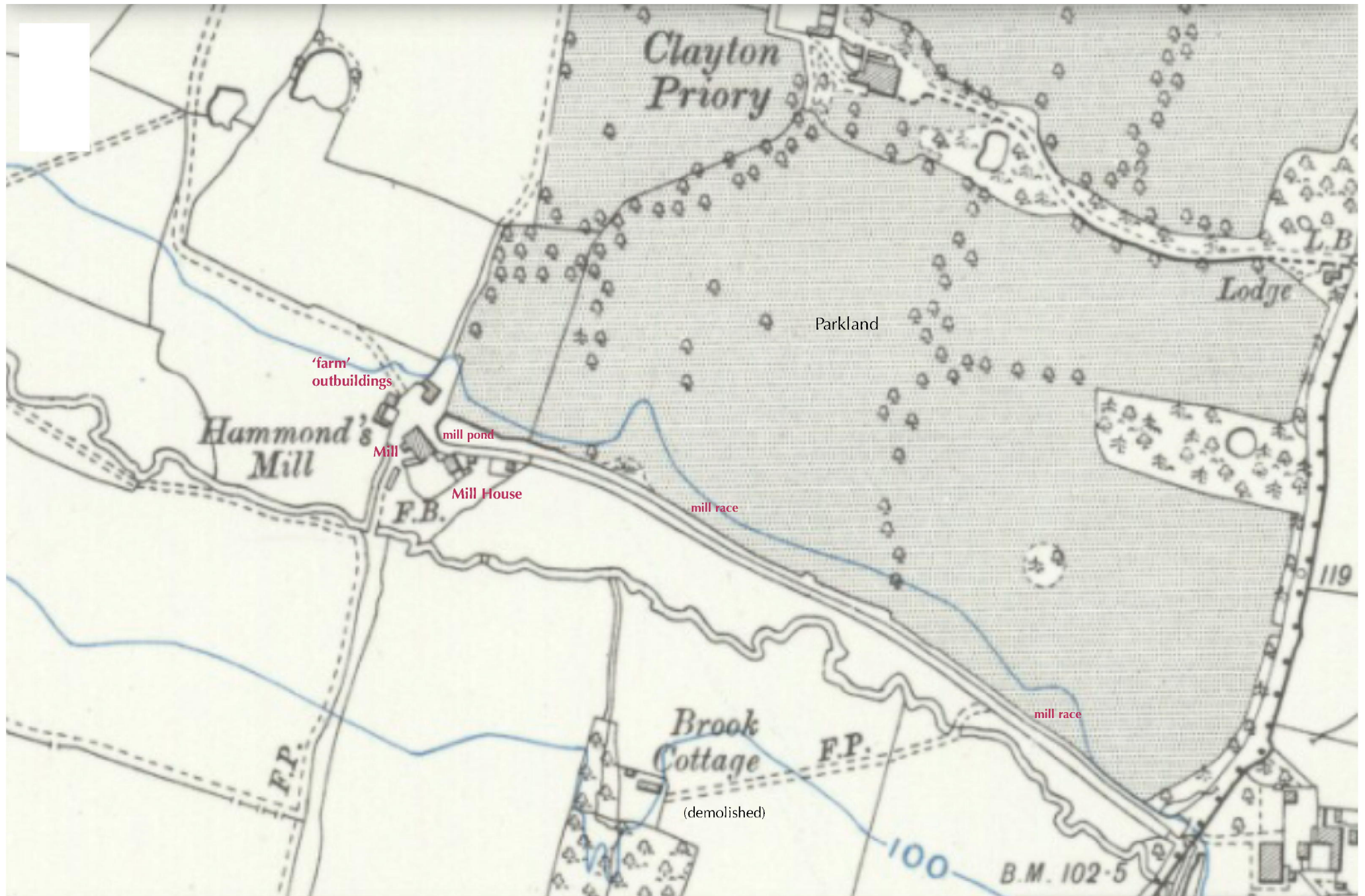
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APPENDIX C

Heritage Maps and Photos

Listed Building Setting and Heritage Appraisal Photographs
(Separate document.)

Hammonds Mill, Mill House and Outbuildings 1912



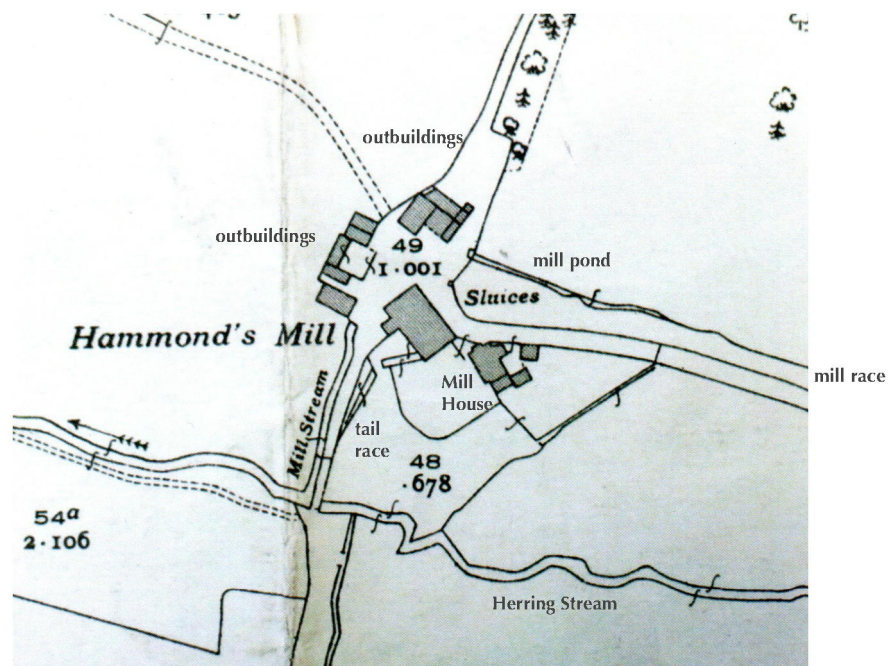


Figure 7: Extract from the 1937 edition OS map



rear of Mill House
(listed in 1983)

mill pond
(infilled c 1990s)

3 storey Mill
(demolished in 1974)

Mill Pond

Hammonds Mill
(demolished 1974)

mill race

Barn Buildings 1/2
(off left, constructed
later)

Outbuilding
(off left, later
becomes
Dairy Cottage)

Barn Buildings 3/4

access to the house

Hammonds Mill House
(front, later extended to east)

Single storey outbuildings
(later becomes private stables)



Mill House
(rear extension)

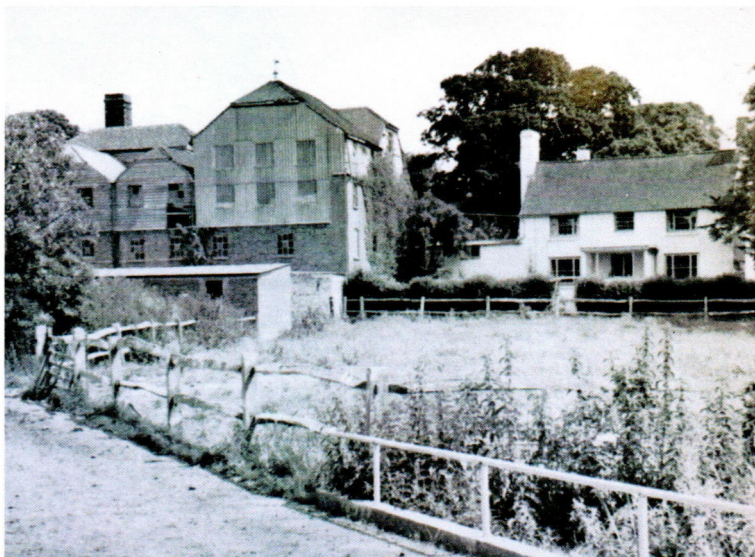


Outbuilding
(later became as Old Dairy Cottage)

Mill Pond (infilled in late 1990s)

Figure 8: Hammond's Mill in 1973

Hammonds Mill
(demolished 1974)



Hammonds Mill House
(front, later extended to east)

Figure 9: Hammond's Mill Farmhouse in 1973

APPENDICES D, E and F

Separate Documents