

Batcheller Monkhouse

Northney Farm
St Peters Road
Hayling Island
P011 0RX

Prior Notification Application for the change of use of
buildings from agricultural use to residential (C3) with
associated operational development

October 2018
Prepared by Clare Bartlett MRTPI PIEMA
Batcheller Monkhouse

SUPPORTING STATEMENT OVERVIEW

Prior Notification application for the change of use of buildings from agricultural use to residential (C3) with associated operational development under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

PREPARED FOR

Mr Pike

PREPARED BY

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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 buildings and associated operational development at Northney 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 brief description of the site and proposals 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).

2. SITE DESCRIPTION

- 2.1 The application site comprises an L-shaped arrangement of buildings forming part of Northney Farm. The buildings can be accessed via St Peters Road which mainly serves residential properties and leads in to Northney Road to the north.



- 2.2 The buildings occupy a footprint of 280sqm. The single storey element extends to 190sqm. The two storey element has 180sqm of floorspace with 90sqm on each floor.
- 2.3 The buildings are predominantly of brick construction with tiled roofs.



- 2.4 The buildings have been used for agricultural storage, and the central building by cattle.
- 2.5 To the north of the subject buildings are residential properties. To the east is a farm building used for hay storage. To the south is part of the farm yard with farm buildings beyond. To the west is the farm office, car parking area and the Northney Road access. The car parking area is currently used by residents of two residential properties on St Peters Road.
- 2.6 The main access to the other farm yard buildings is via one of two access points further south on St Peters Road.

3. PROPOSAL

- 3.1 The buildings are proposed to be converted to form a single residential dwelling comprising a lounge, kitchen, dining area, 4 x bedrooms, family bathroom and games room/study.
- 3.2 The total amount of floorspace converted to residential would be 360sqm.
- 3.3 The existing brickwork would remain painted. The small parts of the central building that are open would be enclosed with weather boarding or with glazed/timber doors. All existing window openings will be utilised and timber framed double glazed windows would be installed.
- 3.4 Roof lights would be installed within the south-facing roof slope and would sit flush with replacement slate tiles.
- 3.5 The curtilage for the property would provide 280sqm of garden area to the east and south of the subject buildings.
- 3.6 Parking for the dwelling would be to the south in the existing car park.
- 3.7 The developers contact details are as follows:

Mr James Pike
2, Northney Farmhouse Cottages
St Peters Road
Hayling Island
Hampshire
PO11 0RX



4. CLASS Q

4.1 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.

4.2 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.

4.3 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.***

The application buildings were in use for agricultural storage and cattle on 20th March 2013.

b) 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.***

c) 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;

The floorspace of the building is 360sqm and the resultant dwelling would therefore fall within the definition of a larger dwellinghouse, under the threshold of 465sqm. No other buildings have been developed within the agricultural unit under Class Q.

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; The cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit does not exceed 3.***

The resultant dwelling would fall within the 465sqm floorspace limit. No previous development under Class Q has been carried out so the cumulative number of dwellings would be one large dwelling, under the 3 limit that applies to large dwellings

e) The site is occupied under an agricultural tenancy, unless the express consent of both 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 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; The development will not require building operations other than the installation or replacement of windows, doors and services to enable the building to function as a dwellinghouse.

No development under either Class A or Class B has been carried out on the agricultural unit 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.

The proposal would not result in the external dimensions of the building extending beyond the external dimensions of the existing building. All new windows, doors and cladding would sit flush with the walls and roof slope.

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***

(ii) partial 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. 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 changes proposed are the minimum necessary to enable the buildings to function as a dwellinghouse and are limited to operations listed in i) above, as summarised below:

- Insertion of doors, windows and rooflights to allow natural daylight into the main habitable rooms. In all instances, windows and doors utilise existing openings. Rooflights are the only addition in this regard.
- Replacement blue/black slate roof tiles
- Replacement fascia, soffits, rainwater pipes and gutters in black to match existing
- Weather plank cladding board in black to enclose area in between front door and external door to the garden on southern elevation
- Installation of internal walls
- 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)

The buildings are of permanent brick built construction. A structural appraisal has been undertaken by HJ Concepts who are experienced Structural Engineers. The appraisal concluded:

"It has been established through a site visual inspection that the buildings intended for conversion and change of use are of permanent construction, not in a derelict state of repair and are suitable for the proposed use indicated on the proposed application drawings without substantial reconstruction of the primary structural elements"

A copy of the appraisal is attached at Appendix A.

J) The site is on Article 2(3) land

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

k) The site is, or forms part of:

- ***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

- 4.4 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 the prior approval of the authority will be required as the following matters:

(a) Transport and highways impacts of the development

The site is accessed via an existing access on St Peters Road. The access is made and is already used in connection with two other residential properties on Northney Road without any issue or incident.

The addition of one 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. Agricultural buildings can generate more vehicle movements compared with residential developments.

Although, the prior notification process does not enable parking provision to be considered, however for the planning authority's information car parking for the proposed dwelling will be provided to the west of it within the existing car park.

Access to the remainder of the farm buildings is via a separate access to the south so there would be no opportunity for conflict with farm vehicles.

(b) Noise impacts of the development

The addition of one dwelling to the site will not create a significant increase in noise impacts on the neighbours.

The planning authority has previously raised concerns in relation to the previous Class Q application regarding the proximity of other farm buildings that will remain in agricultural use. This issue has been successfully addressed on a comparable site lying within the Horsham District. In that instance, a Class Q application (reference DC/17/0239) was submitted for the residential conversion of a farm building lying within an active farmyard forming part of Anchorage Farm in Rudgwick. In that instance, the building proposed for conversion was located with 7m of a building that would continue in farming use. Access to the farm building would be via the proposed dwelling and farm traffic would share the same access off the main road. A condition was imposed on the decision notice for the Class Q application restricting the occupation of the dwelling to persons working, or last working, in the locality in agriculture or a widow or widower of such a person, and to any resident dependents. This was considered a satisfactory solution by the Council's Environmental Health Officer.

The applicant would be willing to accept a similar condition, which he would readily be able to comply with being a full time employee of Northney Farm.

It is also worth noting that there are residential properties not connected with the farm which back on to the yard. No complaints regarding noise or odour have ever been made.

c) Contamination risks on the site

The buildings are not suspected to be contaminated and any risk is considered to be no greater than any other agricultural building which has been the subject of a successful Class Q application. However, if the planning authority require further investigation, this can be required by way of condition (please see the Officer's Report and decision notice for a comparable application provided at Appendix B for suggested wording of such a condition).

(d) Flooding risks on the site

The application site is located within flood zone 1 and is therefore not at risk from flooding.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

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'*.

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'*.

The site is located close to existing residential properties with good connections to the wider area. The reason for the refusal of the previous Class Q application have been addressed within this application through the provision of further information and through changed circumstances. Concerns regarding the proximity of the proposed dwelling to the remainder of the working farm can be addressed through the imposition of conditions such as those detailed in Appendix B. The NPPF requires planning authorities to *'consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations'* (para 54). The use of conditions for Class Q consents are commonly used and are considered an appropriate approach in this instance.

The remainder of the yard is now accessed via a separate existing access to the south, meaning no farm vehicles will pass by the property. A gate across the yard to the east of the buildings prevents farm vehicles from accessing the yard via the access which will serve the new dwelling.

The barn immediately to the east of the subject buildings is now accessed from the eastern end as a result of the gate. Therefore no vehicles accessing the barn will need to pass by the proposed dwelling. The barn is used for the storage of hay only.

The tank to the south of the subject buildings has not been used for some time and it is only due to the cost of removal that it remains on site.

(f) The design or external appearance of the building

The design of the proposed dwelling retains all existing features and utilises existing window and door openings. The only addition to the building is timber cladding to a small section on the eastern elevation, which is a feature found elsewhere on other farm buildings within the yard, and doors and rooflights necessary for the building to function as a dwelling.

The barn will retain its shape and size and the conversion will retain its agricultural characteristics.

- 4.5 The previous Class Q application (reference APP/18/00321) was refused for the following reason:

The proposed development would introduce a residential use adjacent to a working farm, including livestock buildings, barns and tanks. The residential use would also be likely to be impacted by farm vehicle and equipment movement and operation. This would result in an unacceptable living environment for future residents by reason of noise, smell, fumes, and activity all in close proximity to the building and its curtilage. The proposal is therefore considered to represent an impractical and undesirable change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and would conflict with policies CS16 and DM10 of the Havant Borough Local Plan and the National Planning Policy Framework.

- 4.6 The various concerns which form part of this reason for refusal have been addressed within the current application, either through the provision of further information, through a change in circumstances since the original application was determined, or through conditions. The Planning Practice Guidance confirms that conditions can be used for forms of permitted development for matters requiring prior approval (Reference ID 23b-005-20140306).
- 4.7 We would also comment that the previous Class Q application should not have been considered against Local Plan policies. The Planning Practice Guidance is clear that *'The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.'* (Reference ID: 13-026-20140306).

- 4.8 It is our view that the proposal complies with all Class Q criteria. Conditions can be imposed to overcome concerns previously raised by the planning authority.

APPENDICES

Mr J Pike
Northney Farm
St Peter's Road
Hayling Island
PO11 0RX

2nd January 2018

Dear Mr Pike

RE: Northney Farm Buildings St Peter's Road Hayling Island PO11 0RX
Structural Assessment of Existing Buildings



H J Concepts Ltd

Consulting Structural Engineers
& Building Designers



Suite 100 Fareham Reach
166 Fareham Road
Gosport Hampshire
PO13 0FW

Tel: 01329 288684
Email: office@hjconcepts.co.uk
Web: www.hjconcepts.co.uk

BRIEF

On 19th April 2017, H J Concepts Ltd were contacted and instructed by Mr Pike (Application Site owner) for the purpose of instructing H J Concepts Ltd to undertake a structural review of the existing building assets that make up the application site namely an "L" shaped single storey stable and a two storey rectangular barn structure to determine whether they are suitable for a change of use to form a dwelling and that they are sound, permanent construction, not derelict and can accommodate the proposed use without substantial reconstruction.

Experienced Structural Engineer Philip Hamblin IEng MICE AMI StructE of H J Concepts Ltd attended site on the morning of 19th April 2017 to carry out a visual assessment of the buildings.

Record photographs were also taken during the visit to aid a balanced desk top review to be undertaken during the writing of the review. The weather was dry at the time of the visit

A copy of the proposed changes prepared by the Design Team were also reviewed to gauge the level of final use and the proposed changes

CONFIDENTIALITY

This report is intended for the private and confidential use of Mr J Pike, and his legal advisors. It should not be reproduced in whole or in part or relied upon by any other parties for any use whatsoever without the express written authority from H J Concepts Ltd.

LIMITATIONS OF REPORT

This report is a record of a visual inspection only carried out by H J Concepts Ltd and our opinion on the buildings condition.

Some areas of the existing building were uncovered but others have not been inspected as they were covered, unexposed or inaccessible and we are therefore unable to report that such part of the property is free from defect.

No inspection was carried out on the wiring, plumbing or internal services of the structure nor any internal inspection of the external drainage (storm water). All external observations were carried out by eye from ground level.

No reference to any damp penetration and wood infestation has been investigated and no inspections or enquiries were carried out for deleterious materials, such as asbestos.

No assessment or enquiries have been made in relation to Ecology or protected species habitats

EXECUTIVE SUMMARY

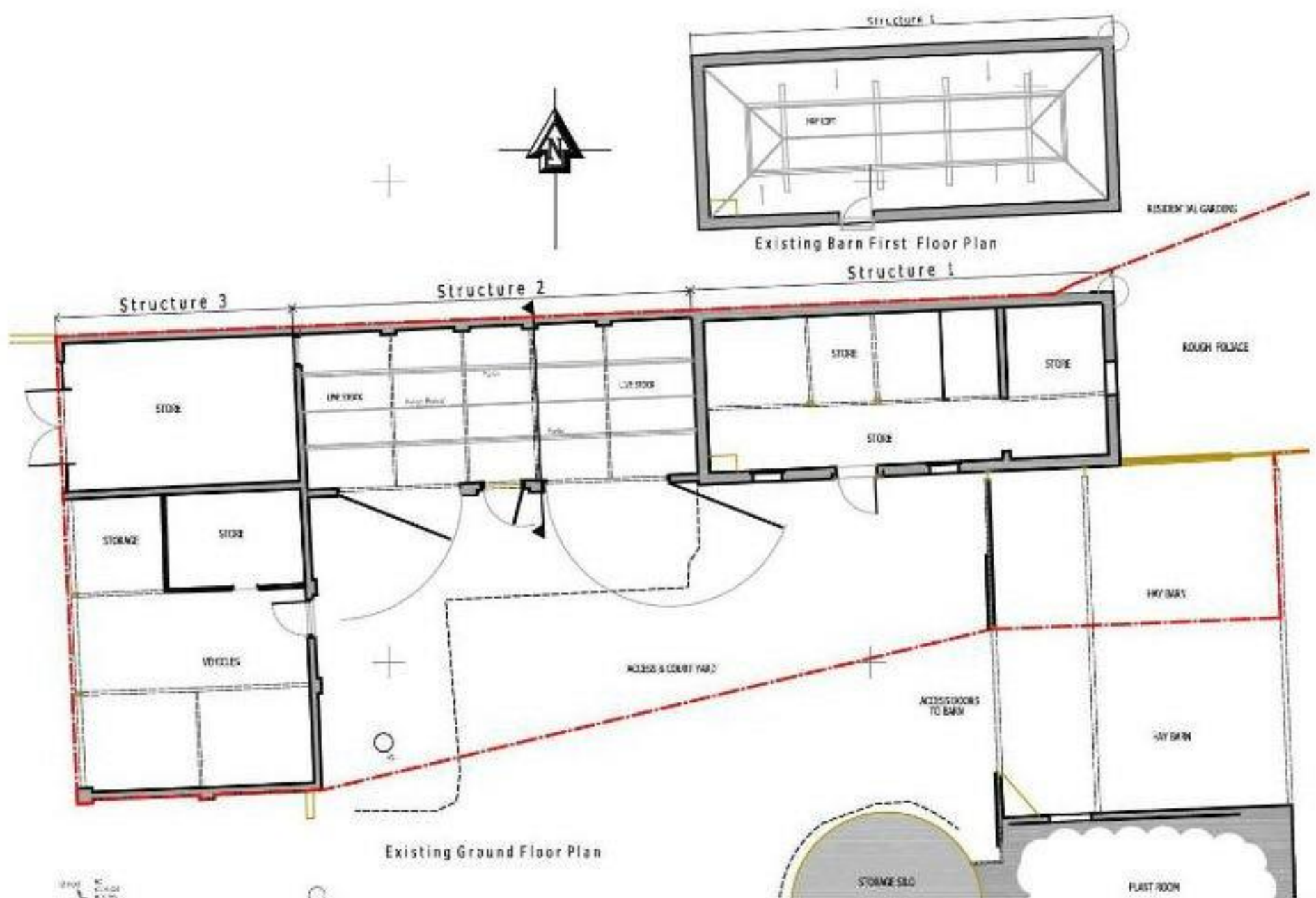
It has be established through a site visual inspection that the buildings intended for conversion and change of use are of permanent construction, not in a derelict state of repair and are suitable for the proposed use indicated on the proposed application drawings without substantial reconstruction of the primary structural elements

PROPERTY & INSPECTION

The existing building stock for the application site consists of three linked structures:

- (i) A two storey masonry linked rectangular structure with an internal timber first floor (Structure 1)
- (ii) A rectangular single storey open fronted structure containing (Structure 2)
- (iii) A rectangular single storey open fronted structure with associated enclosed storage facilities (Structure 3)

The three linked structures form an "L" shaped group of buildings on the Northern Boundary of the Application Site with the Northern external wall of the buildings forming the boundary wall to gardens belonging to properties in Northney Lane. The site is accessed via a concrete hardstanding that links directly to St Peter's Road and provide both vehicular and pedestrian access. To the West of the two storey section is a high bay steel framed big six profile clad barn structure, which is linked via a roof flashing only. Beyond this is an area of overgrown brambles and a small area of lawn.



Structure 1

- The two storey structure is formed by a 330mm thick masonry brick walling, with the Northern wall forming the site's boundary
- The ground floor is formed with a mixture of concrete slabs and paviors which are independent of the perimeter walls.
- Internally animal pens are formed with timber framing with posts supporting the primary first floor beam
- First floor is formed with exposed deep structural timber joists spanning between the external walls and the central support beam. Floor covering is provided by floor boards
- A number of existing window openings exist with arched brick heads
- Access is provided via a single external door with an arched brick head
- Externally the Southern Elevation has been painted
- The roof is of a hipped arrangement with cut timber trusses providing support for a series of purlins and timber rafters, which support a slate roof exterior



South Elevation



East Elevation



Internal Ground Floor



Internal First Floor

Structure 2

- A single storey open fronted structure with 230mm thick masonry brick walling forming the Northern and Western Walls. The Eastern Wall is formed by structure 1. The Northern wall contains a series of 4 No. integral masonry brick piers which align with the roof trusses
- The South Elevation wall is formed by a pair of masonry brick piers and two brick end projections
- The floor is formed by an independent concrete slab
- The pitched roof is formed by a series of 4 No. exposed timber trusses which support an arrangement of timber purlins and timber rafters
- Externally the duo pitch roof is clad with slate tiles under a central ridge
- Two wide access gates and a central timber door provide access to the interior of the building



South Elevation



Internal view looking West



View of Timber Roof Truss

Structure 3

- A single storey open fronted (West Elevation) structure with 230mm thick masonry brick walling forming the Northern and Eastern Walls. The Northern Section of the Eastern Wall is formed by structure 2.
- The South Elevation wall is formed by 230mm thick masonry, an end and central masonry pier
- The floor is formed by an independent concrete slab flush with the external yard slab
- The pitched roof is formed by a series of 3 No. exposed timber trusses which support an arrangement of timber purlins and timber rafters
- Timber posts with knee braces supports the trusses on the Western Elevation, whilst the 230mm masonry supports the Eastern end
- Externally the duo pitch hipped roof is clad with slate tiles under a central ridge
- A 230mm cross masonry wall forms the enclosure for the Northern section storage area, which has a pair of timber access doors of the West Elevation for general access.
- Internal blockwork formed secure store



West Elevation



Internal Views



South Elevation



East Elevation

DISCUSSION

Overall the masonry walling to the three buildings was in a stable condition, with only minor cracking to some of the brickwork, none of which would require significant reconstruction or structural intervention

The roofs were in a stable condition with no significant structural issues. Some timbers were in need of replacement but generally the amount was small. The slate roof was in a condition considerate to its age. In a number of areas the external slates could do with replacement and refixing. No eaves gutter or rain water pipes were evident, with rain water being allowed to discharge onto the surround concrete slabs.

No access was available to the rear of the Northern Boundary wall and the Eastern Elevation (two storey structure) during the inspection, but from an internal view no structural cracking was evident.

Some nateral sagging had occurred to the rafters and purlins but nothing beyond what would be considered an issue for a building of this age and construction.

Floors slabs appeared to be independent of the structural walls and did not support the walls, thus allowing them to be replaced if necessary. Core samples were not taken of the slabs so a final thickness was not determined.

No excavations were undertaken to determine wall formation or foundation details. A visual inspection of the brick masonry walls did not indicate any foundation failure points or serious structural settlement, which would result in substantial reconstruction.

It has be established through a visual site inspection that the buildings intended for conversion and change of use are of permanent construction, not in a derelict state of repair and are suitable for the proposed use as a residential dwelling.

CONCLUSION

Based on our visual inspection of the application site buildings at Northney Farm, we confirm that the structures are in a suitable condition to be converted into the proposed dwelling without substantial reconstruction of the primary structural elements.

Yours sincerely

P Hamblin

Philip Hamblin IEng MICE AMIStructE
For & on behalf of H J Concepts Ltd

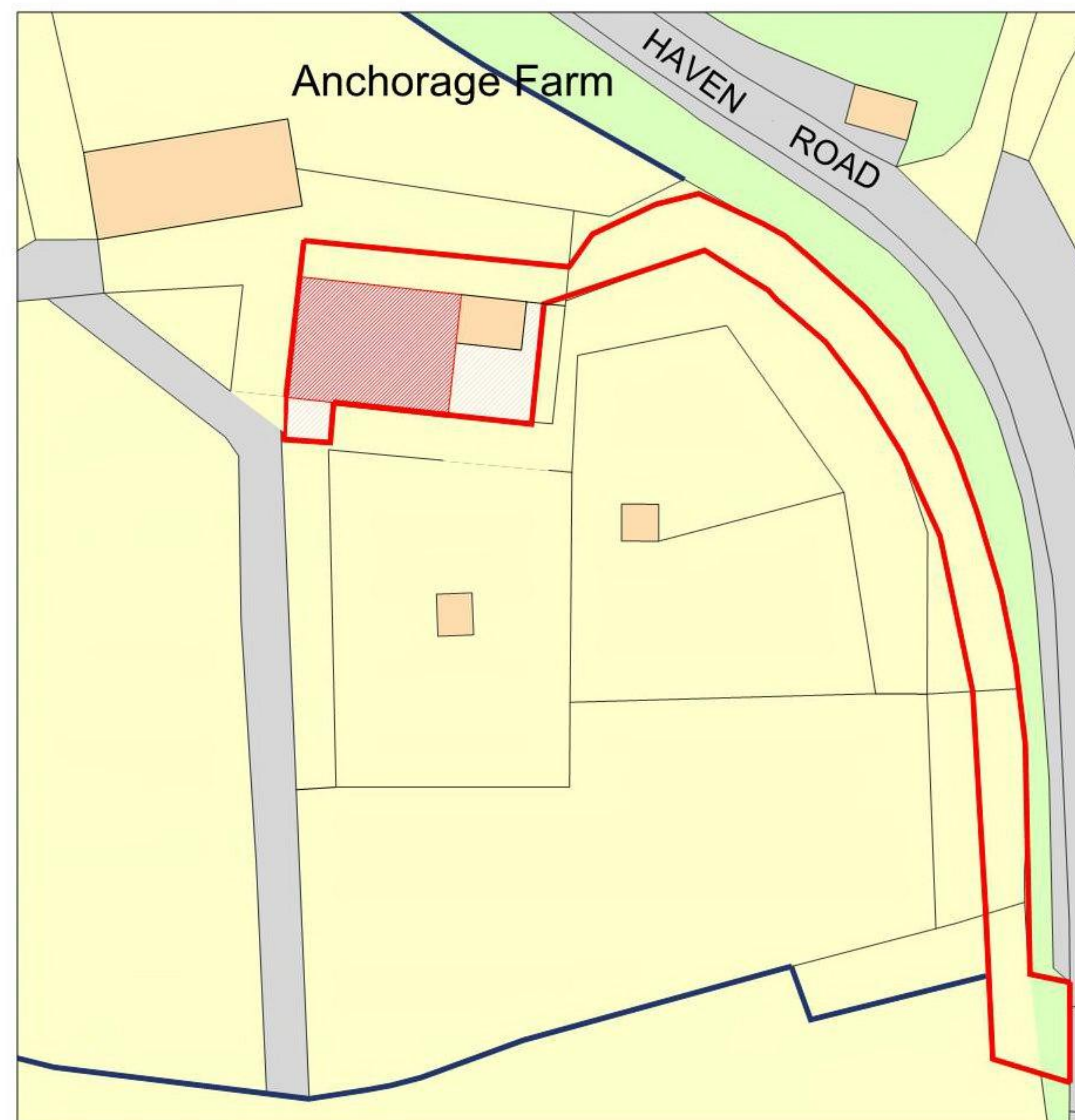
This drawing has been produced for a particular purpose. To ensure that this purpose is fulfilled and a high quality project is achieved, please observe the following:

- All dimensions shown are to be checked on site before work commences.
- Any discrepancies or errors found on this drawing MUST be reported to its originator immediately, to comply with any insurances or guarantees.
- All goods, materials and workmanship are to comply with the current Building Regulations and any other requirements as the local/statutory authorities' enforcement officer may consider necessary.

IF IN DOUBT ABOUT ANY ELEMENT OF THIS DRAWING, CALL!!!



Block plan 1:1250



Site plan 1:500



E - Revised - 21.03.17
D - Revised - 21.03.17
C - Revised - 20.03.17
B - Revised - 26.01.17
A - Revised - 20.01.17

Client

Mr R Hyden

Project title

Anchorage Farm
Proposed Barn Conversion

Drawing description

Site and Location Plan

Scale

As shown @ A2

Date

Jan 2017

SPRUCE
ARCHITECTURE

T 01323 721 359
M 07709 806 828

E info@sprucearchitecture.com
W sprucearchitecture.com

Drawing no.

SP-0041.03

Revision

E

Site area: 1262m²
Building area: 247m²
Curtilage area: 240m²



Mrs Harriet Richardson
Batcheller Monkhouse
1 London Road
Tunbridge Wells
Kent
TN1 1DH

Our ref: DC/17/0239
Your ref:
Email: planning@horsham.gov.uk
Direct Line: 01403 215521
If Calling Please ask for: Amanda Wilkes
Date: 23rd March 2017

Dear Sir/Madam,

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (General Permitted Development) (England) Order 2016
Application for Prior Approval under Schedule 2, Part 3, Class Q**

Prior approval for change of agricultural barn to 2no, 2 bedroom dwellings

Agricultural Barn Anchorage Farm Haven Road Rudgwick

Further to the above prior notification which was received on 1 February 2017, I am writing to confirm that **prior approval is required and granted**. The proposal can now proceed subject to the following conditions:

1 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements

for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with the National Planning Policy Framework.

- 2 **Pre-Commencement Condition:** Prior to the commencement of any works of demolition or refurbishment all asbestos containing materials shall be removed by an appropriately licensed and competent contractor. A written report detailing these works shall be submitted to and approved in writing by the local planning authority. The report shall include details of validation measures undertaken to ensure the all areas where works have been undertaken are free from asbestos.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with the National Planning Policy Framework.

- 3 **Regulatory Condition:** The occupation of the dwellings shall be limited to persons working, or last working, in the locality in agriculture or a widow or widower of such a person, and to any resident dependants.

Reason: The proximity of the dwellings to existing agricultural buildings, some of which house cattle, would create amenity concerns for future occupants unless occupancy is controlled through condition, in accordance with the National Planning Policy Framework.

Notes to Applicant:

If contamination, including presence of asbestos containing materials, not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

An appropriately licensed waste removal contractor shall remove clearance debris and construction waste from site including all asbestos waste.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Schedule of plans/documents.

The following plans and document were considered when making the above decision:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		SP-0041.03 REV E	21.03.2017
Elevation & Floor plan		SP-0041.01	03.02.2017

Elevation & Floor plan		SP-0041.02 REV B	03.02.2017
Supporting Statement	Preliminary contamination risk assessment	NONE	03.02.2017
Supporting Statement	Environmental Assessment	NONE	03.02.2017
Supporting Statement	Planning	NONE	03.02.2017
Photos		NONE	03.02.2017

Yours faithfully



Dr Chris Lyons
Director of Planning, Economic Development & Property

NOTIFICATION

Appeals to the Secretary of State

1. If this decision aggrieves you then you can appeal to the Secretary of State for the Environment under section 78 (1) of the Town & Country Planning Act 1990.
2. If you want to appeal, you can do so to The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (<http://www.planningportal.gov.uk/planning/planninginspectorate>). **Please note, only the applicant possesses the right of appeal.**
3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances.
4. The Secretary of State need not consider an appeal if he feels that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
5. In practise, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.



MEMORANDUM

To: Planning
FAO Amanda Wilkes

Date: 14th February 2017

From: Marc Rankin
Environmental Health & Licensing

Your ref: DC/17/0239

Address: Agricultural Barn Anchorage Farm Haven Road Rudgwick

Proposal: Prior approval for change of use of barn to a 2 bed dwelling

Having reviewed the documents submitted and visited the site my comments and observations are as below.

- The Preliminary Contamination Risk Assessment submitted with this application indicates that there are pollutant linkages relating to potential contamination at the site and that further work is required to determine the sites suitability for its proposed use. I concur with the findings of the report and would recommend that this information should be submitted prior to a decision on the application being made.
- My visit to the site identified that the site has extensive areas of made ground which contain potentially contaminative material.
- The proposed development is within the site to an existing agricultural/industrial location and an adequate assessment of exposure to noise or odour for future residents has not been made.
- Examination of the application suggests that amenity space is intended.

Paragraph 122 of the NPPF clearly states that planning decisions should be based on adequate site investigation information, prepared by a competent person, which demonstrates suitability for use.

W-9 of the GPDO allows the planning authority to require the submission of such information as it may reasonably require to determine an application.

My review of the documentation available and the site visit indicate that further investigation is necessary. Without this information it is not possible to fully assess this application. However, should the application be granted then, in order to mitigate adverse environmental impacts, the applicant will need to exercise suitable controls in the following areas and I make the following recommendations to the Planning Department:

Land contamination

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the

site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (c) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

2. If contamination, including presence of asbestos containing materials, not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
3. Prior to the commencement of any works of demolition or refurbishment all asbestos containing materials shall be removed by an appropriately licensed and competent contractor. A written report detailing these works shall be submitted to and approved in writing by the local planning authority. The report shall include details of validation measures undertaken to ensure the all areas where works have been undertaken are free from asbestos.
4. An appropriately licensed waste removal contractor shall remove clearance debris and construction waste from site including all asbestos waste.

Air Quality

The application makes no provision for residents to make green vehicle choices. Should the development be permitted then, in line with paragraph 35 of the NPPF facilities for charging, plug-in and other ultra-low emission vehicles should therefore be incorporated in accordance with HDC's Air Quality Action Plan's standard mitigation for residential developments of 1 charging point per unit.

General

Adequate provision shall be made for surface water drainage.

Demolition and/or Construction Phases

1. A licensed waste removal contractor shall remove clearance debris and construction waste from site including all asbestos waste (if any).
2. Suitable provisions must be made for the control of noise and dust.
3. No burning of materials or waste on site.
4. There should be no importation of soil and other fill materials onto the development site unless the soil/fill has been certified as fit for purpose by a competent person and has been subject to analysis by an accredited laboratory to ensure that it is free from contamination.
5. Hours of demolition and construction activities (including deliveries & despatch) should be limited to:

08.00 – 18.00 Monday until Friday,

08.00 – 13.00 Saturdays

No working on Sundays, Bank or Public Holidays.

Operational Phase

No exterior floodlighting unless prior written approval from the local planning authority has been granted.

Marc Rankin
Environmental Health Officer

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/17/0239

Agricultural Barn Anchorage Farm Haven Road Rudgwick

DESCRIPTION:

Prior approval for change of agricultural barn to 2no, 2 bedroom dwellings

DETAILED DESCRIPTION:

The application seeks prior approval for the conversion of the agricultural barn to 2 x 2 bed dwellings comprising living room, kitchen, farm boot room, bathroom to each dwelling with associated parking and amenity space.

SITE AND SURROUNDINGS:

The site comprises an area of land approximately 0.053ha, the agricultural barn subject to this application is currently used as an animal shelter and for storage and is approximately 328sqm including the mezzanine floor used for hay storage. The north elevation is largely open with other sides enclosed. There are two other agricultural storage buildings located parallel to the barn within the main yard of Anchorage Farm, Bucks Green, which lies approximately 500m south of Rudgwick. There is a large area of hardstanding and an access. The site is accessed via an unmade track off of Haven Road to the east.

The barn itself is a single storey (with mezzanine) steel framed building with a solid block work base and is part timber clad to the parts of the elevations. The floor comprises a compacted chalk fill with sand covering.

RELEVANT PLANNING HISTORY:

DC/09/1054 Feed Store and tractor Anchorage Farm 06.11.2009

RELEVANT PLANNING POLICIES:

National Planning Policy Framework:

NPPF4 - Promoting sustainable transport

NPPF6 Delivering a wide choice of high quality homes

NPPF10 - Meeting the challenge of climate change, flooding and coastal change

NPPF11 - Conserving and enhancing the natural environment

The Town and Country Planning (General Permitted Development) (England) Order 2015
Part 3, Class Q – Agricultural buildings to dwelling houses.

REPRESENTATIONS AND CONSULTATION RESPONSES:

Consultations:

Environment Agency, consulted on the 22 February 2017. No reply at the time of writing this report.

The Online EA Flood Map for Planning advises that the application falls within Flood Zone 1 and therefore it is considered that there is a low risk of flooding in this area. There are no other major land or planning designations.

County Council - Highways, consulted on the 9 February 2017. Their comments dated 28 February 2017 can be summarised as follows: No Objections

Public Health And Licensing (Env. Health), consulted on the 22 February 2017. Their comments dated 2 March 2017 can be summarised as follows: Concerns regarding potential contamination issues and also impact on private amenity given proximity of animal and other barns on site. Conditions required if prior approval given.

Representations:

6 letters of representation were received for information purposes only. The letters were all in support of the application.

PUBLICITY:

Advertisement

The nature of the proposal did not require the application be the subject of press advertisement.

Site Notice

The nature of the proposal did not require a site notice to be displayed

MEMBER COMMENTS:

None received

HUMAN RIGHTS:

Article 8 (right to respect of a private and family life) and Article 1 of The First Protocol (protection of property) of the Human Rights Act 1998 are relevant to the application. Consideration of human rights is an integral part of the planning assessment set out below.

MAIN ISSUES (delete/amend as appropriate)

The main issues are whether prior approval is required for the proposed change of use and conversion of the existing agricultural storage building to 2 x 2 bed dwelling houses with associated car parking and amenity space under Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.

PLANNING ASSESSMENT:

The requirements of Class Q are:

Q - Permitted Development

Development consisting of:

- (a) A change of use of the building and any land within its curtilage from 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 the Schedule).

Q.1 Development is not permitted by Class Q where –

(a) The site is not used solely for an agricultural use, as part of an established agricultural unit-

(i) on 20th March 2013

– the site was in agricultural use as part of an established agricultural unit at this time and at the time of this application.

(ii) if the site was not in use on that date, when the site was last in use; or –

see (i) above

(iii) If the site was brought into use after 20th March 2013, for a period of at least ten years before the date the development under class Q begins; -

see (i) above

(b) The cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;

- The cumulative floor space of the existing building as applied for under Class Q is 355.5sqm (including the mezzanine) as such the floor space is less than 450sqm as set out above.

(c) The cumulative number of separate dwellings developed under class Q within an established agricultural unit exceeds three –

- Only two units are proposed.

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

- The site is in the ownership of the applicant.

(e) Less than one 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.

-N/A

(f) 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 since the 20th March 2013, or within 10 years before the date development under Class Q begins, whichever is the lesser.

- No development carried out under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out.

(g) The development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

- No increase in the external dimensions of the existing building is proposed.

(h) The development (together with any previous development under Class Q) would result in more than 450sqm of floor space of building or buildings within an established agricultural unit having changed to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order:

- No other applications have been made under Class Q

(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 to carry out building operations allowed by paragraph Q 1(i)(i) for the building to function as a dwellinghouse;

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

- No demolition works are proposed.

- No other works other than alterations to form windows and door openings are proposed, *with the extent of rebuilding /repairs not amounting to 'rebuilding' but remains a conversion.*

(j) the site is on article 2(3) land:

The site is not on article 2(3) land

and

(k) The site is or forms part of –

(i) A site of special scientific interest; - NO

(iii) A safety hazard area; - NO

(iv) A military explosives storage area; - NO

(l) The site is , or contains a scheduled monument; - NO

(m) The building is a listed building – NO

Class Q.2 development is permitted subject to conditions

Conditions

(1) Class Q2 – (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 shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –

(a) transport and highways impacts of the development –

West Sussex County Council Highways have been consulted as part of the prior notification process and commented that:

The Local Highway Authority acknowledges the permitted change of use from agricultural building to residential subject first to prior approval being granted. As part of the prior approval, the LHA can consider only whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

No traffic flow information has been provided with the current application. However from experience of other similar proposals, the LHA recognise that agricultural building can generate more vehicle movements compared with residential developments. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.

The existing hardstanding surrounding the agricultural building is included within the red edging. The prior notification process does not enable parking provision or other matters relating to accessibility to be considered. Nevertheless, it would appear that hardstanding will be provided to facilitate parking for the residential use.

There would be no highway grounds to resist the prior approval.

(b) noise impacts of the development –

Public Health and Licensing have been consulted as part of the prior notification process and commented that:

The agricultural storage barn is close to other buildings which are used in connection with farming activities. This presents a potential conflict of use and it is possible that the farming uses could lead to loss of amenity for the residents in the converted barn or even statutory nuisance as a result of unreasonable levels of noise. It is therefore recommended that the agricultural barn subject to this notification is maintained in the same ownership as the agricultural holding at Anchorage Farm. This could be secured by a suitable condition.

(c) Contaminations risks of the site – Public Health and Licensing also commented that:

- The Preliminary Contamination Risk Assessment submitted with this application indicates that there are pollutant linkages relating to potential contamination at the site and that further work is required to determine the sites suitability for its proposed use. I concur with the findings of the report and would recommend that this information should be submitted prior to a decision on the application being made.
- The site has extensive areas of made ground which contain potentially contaminative material.
- The proposed development is within the site to an existing agricultural/industrial location and an adequate assessment of exposure to noise or odour for future residents has not been made.

Should the application be granted then, in order to mitigate adverse environmental impacts, suitable conditions will be required.

(d) Flooding risks of the site;

The Environment Agency have been consulted and made no comment. The site lies outside of Flood Zones 2 and 3. The site is within Flood Zone 1 as defined by the Environment Agency.

(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 (dwelling houses) of the Schedule to the Use Classes Order and

(f) The design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application

No issues are raised in regards to the location or siting of the building, *provided acceptance is linked to agricultural uses, due to the close proximity to existing agricultural buildings, some of which house cattle.*
Paragraph W _ the local planning authority shall when determining planning applications

- (a) take account of the representations made to them as a result of any consultation under paragraph (3) or (4) any notice under paragraph (6);
- (b) have regard to the national planning Policy Framework as far as relevant to the subject matter of the prior approval and as if the application were a planning application; and
- (c) (11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

In this regard the Local Planning Authority has taken account of the comments from the Public Health and Licensing Department and requires a condition to be imposed in order that prior approval is permitted. The curtilage area around the agricultural building which has a footprint of 247sqm is no larger than the ground area covered by the agricultural building as required by paragraph X in relation to Class Q.

Therefore Class Q development is permitted subject to condition 5.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

- 3 2 **Regulatory Condition:** The occupation of the dwellings shall be limited to persons working, or last working, in the locality in agriculture or a widow or widower of such a person, and to any resident dependants.

Reason: ~~The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.~~ *The proximity of the dwellings to existing agric. buildings, some of which house cattle, means that any development would not be justified in accordance with the policy.*

- 1 3 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015). *See NPPL.*

24 *Re covered with*
Regulatory: Prior to the commencement of any works of demolition or refurbishment all asbestos containing materials shall be removed by an appropriately licensed and competent contractor. A written report detailing these works shall be submitted to and approved in writing by the local planning authority. The report shall include details of validation measures undertaken to ensure the all areas where works have been undertaken are free from asbestos.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015). *See NPPL.*

- ~~5 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.~~

~~Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).~~

NOTE TO APPLICANT

If contamination, including presence of asbestos containing materials, not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

NOTE TO APPLICANT

An appropriately licensed waste removal contractor shall remove clearance debris and construction waste from site including all asbestos waste.

NOTE TO APPLICANT

~~The application makes no provision for residents to make green vehicle choices. Should the development be permitted then, in line with paragraph 35 of the NPPF facilities for charging, plug-in and other ultra-low emission vehicles should therefore be incorporated in accordance with HDC's Air Quality Action Plan's standard mitigation for residential developments of 1 charging point per unit.~~

NOTE TO APPLICANT

~~Please be aware that the ^{property} is built over an existing public water trunk main. If the works to be carried out will alter the existing foundation line or depth it will be necessary for the applicant to contact Southern Water.~~

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

IS RECOMMENDATION CONTRARY TO THE PARISH COUNCIL'S VIEWS?

Plans list for: DC/17/0239

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents approved:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		SP-0041.03 REV E	21.03.2017
Elevation & Floor plan		SP-0041.01	03.02.2017
Elevation & Floor plan		SP-0041.02 REV B	03.02.2017
Supporting Statement	Preliminary contamination risk assessment	NONE	03.02.2017
Supporting Statement	Environmental Assessment	NONE	03.02.2017
Supporting Statement	Planning	NONE	03.02.2017
Photos		NONE	03.02.2017

Schedule of plans/documents not approved:

Plan Type	Description	Drawing Number	Received Date

DELEGATED

Case Officer sign/initial



Date: 21/03/17

Authorising Officer sign/initial



Date: 22/03/17