



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/21/1998

Clayfield Farm, Valewood Lane, Barns Green, Horsham, West Sussex, RH13 0QJ

DESCRIPTION:

Prior notification for the conversion of an agricultural building into two dwellings.

RELEVANT PLANNING HISTORY:

DC/20/2453	Prior notification for change of use of agricultural buildings to 2No. dwellinghouses (Class C3)	Prior Approval Required and REFUSED on 01.02.2021
DC/20/1200	Prior notification for the conversion of an agricultural barn to 2No. residential dwellings.	Prior Approval Required and REFUSED on 21.08.2020
DC/15/2753	Reserved matters application for the replacement of existing mobile home and erection of permanent agricultural worker's dwelling associated with Clayfield Farm following approval of outline application DC/13/2362	Application Permitted on 03.03.2016
DC/13/2362	Replacement of existing mobile home and erection of permanent agricultural worker's dwelling associated with Clayfield Farm (Outline)	Application Permitted on 04.04.2014
DC/10/1937	Retrospective permission for stationing of mobile home as a temporary agricultural dwelling	Application Permitted on 09.02.2011
DC/07/1566	Erection of an agricultural building for storage (Agricultural Prior Notification)	Prior Approval Permitted With Conditions on 11.04.2008
DC/07/1056	Construction of hay barn (Agricultural Prior Notification)	Prior Approval Refused on 15.06.2007
I/24/02	Erection of 6 stables,tackroom/feed store & hay store,track & alteration to access Site: Land North Of Valewood Lane Barns Green	Application Permitted on 25.09.2002
BL/151/01	Erection of 6 stables,1 tack room & haybarn, track & access Site: Land North Of Valewood Lane Barns Green	Withdrawn Application on 17.02.2002

SITE AND SURROUNDINGS:

This notification relates to a steel-framed portal barn ~125m north of Valewood Lane. The barn is found to the south of a mobile home consented for residency by an agricultural worker (ref: DC/10/1937), and to the west of a large area of designated ancient woodland also protected by a 'blanket' tree-preservation order (TPO/0733)

DETAILED DESCRIPTION:

This notification is submitted pursuant to Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and seeks to affect a change of use of an agricultural building to form two dwellinghouses with associated building operations to convert the building.

The barn is accessed to the south from Valewood Lane, with a gravelled private way serving both the barn and mobile home to the north.

This notification succeeds two preceding prior-notification made pursuant to the provisions of Class Q (refs: DC/20/1200 and DC/20/2453), where the Local Planning Authority resolved to refuse prior approval. The reasons for refusal stated in connection with these preceding notifications concerned the extent and nature of proposed operations, which were considered to fall beyond the provisions of Class Q as set at paragraphs Q.(b) and Q.1(i) respectively.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

HDC – Environmental Health: Advice:-

The Council's Environmental Health team recommended the submission of a Phase 1 Preliminary Risk Assessment in addition to asbestos and waste removal conditions in order to fully ascertain the condition of the site and to eliminate contamination risk to future occupiers and the broader environment.

WSCC – Highways: No objection:-

WSCC – Fire and Rescue: No objection, subject to condition requiring delivery of on-site fire hydrant or stored water supply.

Natural England: Objection:-

The Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of:-

- Arun Valley Special Area Conservation (SAC);

- Arun Valley Special Protection Area (SPA);
- Arun Valley Ramsar Site.

As it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on Arun Valley sites, advise that developments within this zone must not add to this impact. Case Law requires that plans and projects affecting sites where an existing adverse effect is known to demonstrate with certainty that they will not contribute further to the existing adverse effect or to go through the latter stages of the Habitat Regulations. Developments within the Sussex North Water Supply Zone, therefore, must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:

Objection. Itchingfield Parish Council sought to object to the proposal on the basis that the proposed development is beyond the built-up area boundary, contrary to the Barns Green and Itchingfield Neighbourhood Plan with the proposed design not in keeping with rural buildings in the area.

Representations:

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.

PLANNING ASSESSMENT

The main issue is whether prior approval is required for the proposed change of use and conversion of the existing agricultural building to provide a single dwelling under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Permitted development

Q. Development consisting of—

- (a) a change of use of 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; or**
- (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.**

The overarching provisions of Class Q allow for a change of use of an agricultural building to residential (C3) use (Q(a)), together with operations reasonably necessary to effect a conversion to residential use (Q(b)).

The building subject of this notification is considered to be in agricultural use, with the information before the Authority relating to a change of use to C3 use. The proposal, therefore, does satisfy the overarching description of works referenced at Q(a).

“The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use. 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.” – ID - 13-105-20180615 (2018).

Paragraph 105, furthermore, confirms that internal works are not generally development and that, in association with a conversion, it may be appropriate to undertake internal structural works which are not prohibited by Class Q.

This application is accompanied by a structural survey, construction method statement and detailed sections affording confidence as to the precise nature, extent and method of construction operations, in addition to the structural fidelity of the existing building.

The submitted structural survey considers the building to be of sound construction and suitable for conversion with regard to increased loadings expected in association with a conversion to residential use. Existing structural steels and purlin rails are in good condition, with the main steels benefiting from foundations to 1m in depth comprised of concrete set 45-gallon drums. In association with preceding application the LPA did not seek to object to the proposed conversion in terms of the structural fidelity of the existing building, which was deemed to be both stable and adequate to support any increased loadings. There has been no material change in circumstance since the determination of ref: DC/20/2453 and it is maintained that the existing structure is physically capable of supporting a conversion to residential use.

As discussed in detail in preceding determinations, however, the distinction between ‘conversion’ and a fresh-build or rebuild in the context of Class Q is one of substance and not of form drawn from a point of demolition¹. There are numerous instances where the starting point, the building subject to conversion, might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild². Paragraph 105 of the relevant Planning Practice Guidance, further, confirms that the right bestowed under Class Q assumes that the existing building is already suitable for conversion to residential use.

In order to qualify for the provisions of Class Q, therefore, the existing building must already be suitable for conversion to residential use, with the extent of proposed alterations not of an extent and/or nature which would amount to a fresh-build or re-build, which would exceed the understanding of a ‘conversion’ as a discrete threshold.

In conjunction with preceding prior-notifications the Local Planning Authority considered that the extent and nature of proposed alterations would exceed a type and quantum of works reasonably described as a conversion, further providing an indication that the existing building was not capable of residential use contrary to paragraph Q.(b) and works permitted by paragraph Q.1(i). Preceding proposals, however, were more extensive than those currently proposed, comprising the introduction of new external walls supported by independent foundations including a new brick-plinth. Plans and statements previously provided, furthermore, were not sufficient to confirm the retention and treatment of existing structural framing, particularly purlin rails between main-frames and to the existing roof.

The proposal currently before the Authority seeks to replace existing profiled sheeting to wall surfaces, though, with replacement timber cladding provided to ground-level omitting the brick-plinth previously

¹ Paragraph 6 - *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin).

² *Ibid* – paragraph 27

incorporated, and with existing purlin-rails retained except where new openings are to be formed. It is understood that additional purlins are to be introduced, though, largely to satisfy the insulation and spacing requirements of cladding manufactures, with the submitted structural survey indicating that additional purlins would not be distinctly required to give effect to a residential conversion and that proposed cladding could be supported wholly off the existing frame. The submitted structural survey, further, indicates that the existing cladding could be retained and adapted for residential use, with the introduction of timber-cladding in replacement predominantly sought for aesthetic reasons. In this regard, therefore, the existing building is deemed suitable for conversion to residential use.

The submitted sections, and accompanying statements, demonstrate that sub-frames will be introduced around fenestrations, though, as further commented within the structural appraisal existing horizontal purlins make a limited contribution to the structural integrity of the existing building. The introduction of fenestrations to serve internal spaces are considered to represent works necessary to support a residential occupancy and are permitted by paragraph Q.1(i) of Class Q. The introduction of a sub-frame around fenestrations is not considered to represent a significant structural alteration, with the overall extent of proposed alterations not considered to exceed a threshold of works permitted by paragraph Q.(b) as a 'conversion'.

Development not permitted

Q.1 Development is not permitted by Class Q if—

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—**
 - (i) on 20th March 2013, or**
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or**
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;**

The relevant test, for the purposes of assessment against Q.1(a), is whether the building subject of this notification was solely in agricultural use, as part of an established agricultural unit, on or before the qualifying date of 20th March 2013. Paragraph X of Part 3 of Class Q of Schedule 2 of the Order confirms that 'agricultural building' means a building used for agriculture, for the purposes of a trade or business, and excludes dwellinghouses.

S.336(1) of the Town and Country Planning Act 1990 confirms that 'agriculture' includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where the use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly.

The building subject of this notification was first consented for agricultural purposes pursuant to prior-approval granted in connection with application ref: DC/07/1566. Subsequent applications (refs: DC/10/1937, DC/13/2362 and DC/15/2753) address the provision/retention of rural workers accommodation at Clayfield Farm, with consent being granted in all instances on the basis that sufficient evidence was available to establish an 'essential need' for such development.

As noted by the Authority's agricultural consultants in connection with ref: DC/10/1937 circa 17.11.2010, ongoing agricultural activity was observed on the site in the form of livestock grazing. As noted within the consultants report, , at the time of determination, Clayfield Farm supported ~20 pigs, ~100 piglets, ~75 sheep, ~53 lambs, in addition to ~80 geese reared for slaughter or local sale, with a business plan in place for the growth of the agricultural enterprise.

As, subsequently, noted within the consultants report received in connection with ref: DC/13/2362, the land was being farmed in a manner similar to that described in ref: DC/10/1937, with the applicant having clearly implemented the business plan submitted in connection with ref: DC/10/1937. The

Authority's agricultural consultant did note that pig rearing had expanded beyond initial estimates, with calves reared on the land in lieu of geese, which were found not to be viable. Given the detail contained within the applicants submissions in relation to ref: DC/10/1937 and ref DC/13/2362, including stock numbers, financial data and professional opinion, it is considered, as a matter of fact and degree, that the building was in commercial agricultural use on the qualifying date of 20th March 2013 as part of an established agricultural holding.

Overall, therefore it is considered that, on a balance of probabilities, the building was in a qualifying use on the relevant date specified under Q.1(a), and therefore, qualifies for the provisions of 'Class Q'.

- b) in the case of—**
 - (i) a larger dwellinghouse, within an established agricultural unit—**
 - (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or**
 - (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;**

There has been no other development under 'Class Q' within the holding to date, as such, the cumulative threshold of Q.1(b)(i)(aa) is not engaged.

The cumulative floorspace subject to a change of use in association with proposed development would total 410.12m², in compliance with Q.1(b)(i)(bb).

While the retention of an agricultural store within the centre of the building is noted, which would bring the cumulative extent of works beyond a 465m² threshold, the judgement in *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314, confirms that it is only floorspace subject to a change of use which contributes to the floorspace limit.

- ba) the floorspace of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465m²;**

There has been no previous development pursuant to Class Q on the holding to date, with neither dwelling subject of this application designed so as to exceed the 465m² limit. The proposal, therefore, is deemed compliant with the provisions of Q.1(ba).

- (c) in the case of—**
 - (i) a smaller dwellinghouse, within an established agricultural unit—**
 - (aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or**
 - (bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;**

The proposal would result in two 'larger' dwellinghouses beyond the limits of Q.1(c)(bb), accordingly is subject to assessment against Q.1(b).

- (d) in the case of—**
 - (i) a smaller dwellinghouse, within an established agricultural unit—**
 - (aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or**
 - (bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;**

There has been no other development under 'Class Q' within the holding to date, as such, the cumulative threshold of 5 dwellings under Q.1(d)(ii) is not exceeded.

The cumulative floorspace subject to a change of use in association with proposed development would total 410.12m², in compliance with Q.1(d)(i).

- (e) the site is occupied under an agricultural tenancy, unless the express consent of both 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 is not occupied under an agricultural tenancy, nor has this been terminated for the purposes of enabling development under Q.1(f)(ii).

- (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;

No development under Part 3 of Schedule 2 of the Order has been undertaken 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 applicant has provided amended plans and a covering letter providing further clarification/explanation as to the nature of built alterations (dated 20.08.2020). These details clarify that existing profile metal cladding comes to a width of 50mm, with proposed replacement timber-cladding at a width of 20mm. The further written explanation of alterations confirms that a proposed brick-plinth would be provided in-between vertically arranged steel columns, not exceeding the external face of steel-columns, as corroborated on the submitted elevation and floor plans.

The submitted plans, furthermore, confirm that the main-dimensions (height, footprint, width and length) of the building would not change as a result of the proposed alterations. Overall, given the description and nature of proposed works detailed on the submitted information it is considered that the dimensions of the building would not be exceeded for the purposes of Q.1(h).

- (i) the development under Class Q(b) would consist of building operations other than—**
(i) the installation or replacement of—
(aa) windows, doors, roofs, or exterior walls, or
(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and
(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

The submitted plans indicate the replacement of existing external cladding to provide insulated and timber-clad walls, together with the installation of doors and windows to serve the two dwellings proposed. It is considered that these operations are 'reasonably necessary' for the building to function as a dwellinghouse, and therefore, in compliance with Q.1(i)(i).

No demolition is proposed, as such, the provisions of Q.1(i)(ii) are not of relevancy in this instance.

- (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—**
(i) a site of special scientific interest;
(ii) a safety hazard area;
(iii) a military explosives storage area;

The site is not within any of these areas.

- (l) the site is, or contains, a scheduled monument; or**

The site is not and does not contain a scheduled monument.

- (m) the building is a listed building**

The building is not a listed building.

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,**

The proposal would result in the creation of two dwellings in substantial replacement of a large agricultural building. The barn is served by a pre-existing highway access onto Valewood Lane. The Local Highways Authority has not sought to raise any concern regarding the effects of development on highway safety and/or operation, with the proposal deemed compliant with the provisions of Q.2(1)(a) in terms of expected transport and highway impact.

Conditions have been recommended to secure the delivery of details pertaining to the provision of vehicular and cycle parking so as to ensure the development would adequately meet the transport needs of future occupiers in response to the provisions of Q.2(1)(a).

- (b) noise impacts of the development,**

The site is well-removed from existing dwellings to the south of the site on Valewood Lane. It is not considered that the proposed conversion would result in a material detriment to the amenities of these neighbouring occupiers in terms of noise disturbance. An increase in the level of noise emanating from a residential use in lieu of an agricultural use to be lost would not be deemed of material detriment to local character and/or tranquillity.

- (c) Contamination risks on the site,**

The applicant has provided a desk-based environmental assessment addressing the previous uses of the building and surrounding land. The desk-based assessment, however, is not sufficient to discount with certainty the absence of potential contaminants arising from the preceding use of land, and recommends that a site-specific investigation be undertaken in order to address such uncertainty. The response of the Council's Environmental Health team, similarly, recommends that site-specific surveys be undertaken to ascertain the possible presence of contaminants and/or asbestos.

At present, therefore, the Authority is unable to conclude that the proposed development would not expose future occupiers or the wider environment to contaminants potentially present within the building and made ground. It is, though, considered that appropriate site-investigations and any necessary remediation can be secured by way of appropriately worded condition, sufficient to overcome conflict with Q.2(1)(c).

- (d) flooding risks on the site,**

The site is located in Flood Zone 1, as land not identified at strategic risk of fluvial, tidal, surface or groundwater flooding.

It is, therefore, considered that there is no prevailing flood risk in this instance which would warrant a refusal in respect of Q.2(1)(d).

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

The proposed dwellings would not be served by pre-existing drainage infrastructure, though, open-land in the vicinity of the site is in plentiful supply, considered capable of accommodating necessary foul and surface water drainage apparatus. The barn is served by a pre-existing access, with the mobile-home to the north benefiting from an electricity supply. It is, accordingly, considered that the composition and location of the site would not render a change of use impractical in this instance.

The dwellings would be provided within the context of an agricultural holding and may be subject to a degree of noise/odour disturbance arising from agricultural use of land, including for the grazing/rearing of livestock. It is, however, considered that a similar relationship exists with residential units to the adjacent west and south of the holding, with a degree of disturbance arising from agricultural uses/activities not deemed unexpected, or unacceptable, to a rural setting.

It is noted that the proposal seeks to retain a secure machinery store for agricultural use, however, the physical alterations associated with such a change fall beyond the scope of development which can be consented under Class Q, further being beyond the extent of the application site. The provisions of A.2(1) of Class A of Part 6 of Schedule 2 of the Order continue to operate to ensure that this retained store cannot be utilised for the accommodation of livestock, storage of waste/slurry, without planning permission first being obtained.

Some degree of noise disturbance arising from vehicle movements, and the maintenance of vehicles/equipment, may arise given the adjoining nature of proposed dwellings, however, it is considered that the holding is of a scale/size which limits the amount of associated equipment. Accordingly it is considered that any degree of noise disturbance would not prove so significant to undermine the objective enjoyment of proposed dwellings, warranting objection in relation to Q.2(1)(e) on the grounds of undesirability.

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

The existing building is of a utilitarian character and form of no architectural/design merit. The proposal would act to soften the appearance of the building through the replacement of profile sheet cladding. While these alterations would not be considered a significant improvement to the appearance of the building, it is accepted that there are a limit to the extent of such changes which can be affected with reference to limitations at Q.1(h) and Q.1(i). Overall it is considered that the proposal would not detrimentally affect local character and appearance, and therefore, objection on the basis of Q.2(1)(f) is not warranted in this instance.

Other Matters:

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone, where Natural England have advised that water abstraction cannot be concluded to result in no adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites.

Article 3(1) of the Order grants planning permission for the classes of development specified in Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general

development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site or a European offshore marine site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77. This above process is administered under separate specific legislation, and is therefore distinct from the scope of this prior notification.

It is not, therefore, necessary to consider the effects of water abstraction and demonstration of water neutrality in the consideration of this application. An informative is instead recommended to advise that the presence of a prior approval does not confirm that this development is permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and that further written notification is required from the Local Planning Authority under Regulation 77 of the Conservation of Habitats and Species Regulations 2017.

National Space Standards:

Paragraph 9A of Article 3 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), does not permit development involving the creation of new dwellinghouses:-

- “(a) where the gross internal floor area is less than 37 square metres in size; or
- (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015”

Paragraph 9B of Article 3 confirms the relevant space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

The plans submitted in connection with this prior-approval indicate the creation of two four bedroom dwellings each respectively totalling 205m² in gross-internal area. The proposals, therefore, would not contravene minimum space standards for a 4-bedroom 8 person dwelling as set out within the relevant standard³.

Conclusion:

The Local Planning Authority has sought to assess this proposal against all relevant provisions, conditions and limitations of Class Q. It is considered that the proposal would comply with all relevant conditions and limitations to Class Q, with the proposal deemed acceptable in relation to relevant grounds for prior approval subject to the inclusion of appropriately worded conditions. It is, therefore, recommended that prior-approval be granted accordingly.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
Residential – District Wide Zone 1	410.12	410.12	0
		Total Gain	0
		Total Demolition	0

³ Technical housing standards – nationally described space standard (2015)
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012976/160519_Nationally_Described_Space_Standard.pdf)

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Permitted

Conditions:

- 2 **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) - (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is appropriately addressed in response to the provisions of Q.2(1)(c) of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- 3 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 1(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 1(c), unless otherwise agreed in writing by 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 appropriately addressed in response to the provisions of Q.2(1)(c) of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles has been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the parking spaces associated with it have

been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles and to ensure an acceptable development in transport terms in response to the provisions of paragraph Q.2(1)(a) of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

5. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that adequate and satisfactory provision is made for the parking of cycles and to ensure an acceptable development in transport terms in response to the provisions of paragraph Q.2(1)(a) of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fire hydrant in accordance with BS 750 standards or stored water supply, with a connection to a water supply, which is appropriate in terms of both pressure and volume for the purposes of firefighting, has been provided for the approved dwellings. The provision shall thereafter be retained as such.

Reason: To ensure adequate provision for fire fighting measures on site in accordance in response to the provisions of paragraph Q.2(1)(e) of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

NOTES TO APPLICANT

- 1.) The applicant is advised that this decision relates solely to whether the Prior Approval of the Local Planning Authority is required and does not confirm that the proposal represents Permitted Development. The site lies within the Sussex North Water Supply Zone where Natural England has advised that water abstraction cannot be concluded to result in no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special Protection Area (SPA) and the Arun Valley Ramsar Site.

It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a significant effect on a European Site "must not be begun" until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect. Following this an application must be made to the Local Planning Authority for its approval. No development must be begun until the developer has received written notification of the approval of the Local Planning Authority. For further information on this process see Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 (general development orders).

The applicant is advised that any development commenced without compliance with Regulation 75 of the Conservation of Habitats and Species Regulations 2017 would be in breach of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would be subject to potential future enforcement action.

- 2.) Asbestos containing materials should be identified in accordance with guidance stated in HSG264 Asbestos: The Survey Guide. All confirmed or suspected asbestos containing materials shall be removed by an appropriately licensed and competent contractor.

- 3.) All site clearance debris and construction waste shall be removed from site by an appropriately licensed waste removal contractor including all asbestos waste.
- 4.) In the implementation of this prior-approval the applicant should have regard to guidance published guidance (<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>) pertaining to the protection of ancient woodland, ancient and veteran trees, including the incorporation of appropriate buffer zones to ancient woodland adjacent to the application site.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/21/1998

(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
Supporting Statement	Planning	NONE	26.08.2021
Supporting Statement		AEL-4491-SSC-977332	26.08.2021
Supporting Statement	Cover letter	NONE	26.08.2021
Supporting Docs	Survey report	NONE	26.08.2021
Supporting Docs	Appeal decision	NONE	26.08.2021
Supporting Docs	DC/18/2716	NONE	26.08.2021
Supporting Docs	DC/18/0974	NONE	26.08.2021
Supporting Docs	Appeal decision	NONE	26.08.2021
Floor plan	Existing	D 0721/439/02	26.08.2021
Supporting Docs	Specifications	NONE	26.08.2021
Supporting Statement	Specification/Construction Method Statement	NONE	26.08.2021
Section plan		D 0721/439/06	26.08.2021
Floor plan	Proposed	D 0721/439/03	26.08.2021
Elevation plan	Existing	D 0721/439/04	26.08.2021
Elevation plan	Proposed	D 0721/439/05	26.08.2021
Section plan		D 0721/439/07	26.08.2021
Location & Block plan		D 0721/439/01	26.08.2021

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 15.10.2021

Authorising Officer sign/initial J Hawkes Date: 20.10.2021