DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0237
Barn South East of Normans, East Street, Rusper, Horsham, West Sussex, RH12 4RD

DESCRIPTION:
Prior Notification for Change of Use of an Agricultural Building to a single dwellinghouse

RELEVANT PLANNING HISTORY:

DC/24/0236	Conversion of existing triple car port to ancillary residential accommodation.	Under Consideration
DC/11/1369	Retrospective permission for new bunded fuel storage tanks with concrete bases	Application Permitted on 06.09.2011
DC/11/0510	Construction of stable block, associated concrete area and 20m x 40m riding arena	Application Permitted on 17.05.2011

DETAILED DESCRIPTION:

This notification seeks prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 to form a dwellinghouse.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

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: Comment
Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in structures, made ground, yards and hard standings. Information is required on these matters and a preliminary risk assessment including a site walkover should be provided to ensure the application is properly determined.

HDC Tree Officer: Objection

Due to the location of the existing building, surrounded by mature trees to the south, north and west, if it were to be converted to a habitable dwelling it is likely that future residents of the dwelling would experience issues with and have concerns with the level of natural light entering the property and any areas of open spaces such as a garden/parking areas or other such area generally associated with a residential property. This is due to the position, size, and form of the mature trees in the area.

Para 5.3.4 of the current industry standard **BS5837:2012 Trees in relation to design, demolition and construction - Recommendations**. States –

A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements. To maximize the probability of successful tree retention, the following factors should be taken into account during the design process.

1) Shading of buildings. Shading of buildings by trees can be a problem, particularly where there are rooms which require natural light. Proposed buildings should be designed to take account of existing trees, their ultimate size and density of foliage, and the effect that these will have on the availability of light.

2) Shading of open spaces. Open spaces such as gardens and sitting areas should be designed to meet the normal requirement for direct sunlight for at least a part of the day."

Additionally, the new residents may have concerns with perceived threat and nuisance caused by falling tree detritus, such as dead wood leaves, acorns and bird excrement. It is also worth noting that issues with falling with acorns would be greater during a Mast year when the oak trees in the area would produce a higher-than-average number of acorns, which will fall onto the building and garden in high numbers. The proximity of the trees to the building will likely place pressure upon the trees to be heavily reduced or possibly removed to help address issues with general tree detritus. In this respect, Para 5.3.4 of the current industry also refers to the issues mentioned above, and states –

d) Future pressure for removal. The relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees. Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread.

e) Seasonal nuisance. Trees are naturally growing and shedding organisms. Leaves of some species can cause problems, particularly in the autumn, by blocking gullies and gutters. Fruit can cause slippery patches, and accumulation of honeydew can be damaging to surfaces and vehicles. Buildings, footpaths, and hard-standing areas should be designed with due consideration to the proximity of retained trees, especially in terms of their foliage, flowering and fruiting habits.

Ancient woodland impacts

Around 4m to the southwest of the existing building is an area of designated Ancient Woodland (AW). The importance of AW centres on protecting the undisturbed soils, which are typically exceptionally rich in wildlife and support a seed bank of many rare and threatened species now seldom seen outside such sites. It is, therefore, essential that such areas are not harmed by development or through the domestication of such sites post-development.

AW is classified as an irreplaceable habitat, and since AW now covers less than 3% of England's landmass, policies have arisen in recent years attempting both to stem the loss of such sites and, indeed, to protect them for future generations. Central to this consideration is the current standing advice given

by Natural England for new development adjacent to AW, which states that "the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone". Residential development within the 15m buffer zone of AW is generally not considered to be acceptable without a very high level of justification and an appropriate mitigation/compensation strategy in place.

It is acknowledged that the building is already in situ, and any root disturbance may have already occurred when the building was erected (sometime between 2001 and 2007 from looking at aerial images of the site). However, consideration would need to be given to how any underground services such as fresh and foul water inlets and drainage systems would be connected to the new dwelling, and how any hard or soft landscaping activity generally associated with residential use would be integrated into the development proposal; all of which would have to be located within and require development activity to take place within the AW buffer zone. As such, due to the proximity of the new dwelling to the AW, it would suggest that it is not possible to achieve no new development activity within the 15m buffer zone, which brings the proposal into conflict with the standing advice given by Natural England.

WSCC Highways: Comment

This proposal seeks prior approval for the change of use of agricultural building to residential to form a single dwelling (C3 Use). The site is located off East Street, a C-classified road subject to a speed restriction of 40 mph in this location.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from agricultural to residential (Class C3) subject first to prior approval being granted. As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport.

However, the GPDO is quite clear as to what highway matters can be considered, namely 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.

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

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

The WSCC Car Parking Demand Calculator indicates that the proposed development would require at least two car parking spaces. Parking provision has not been demonstrated, although the Planning Statement states that there is sufficient space for two parking spaces to be provided within the site.

In summary, the movements associated with agriculture have done so safely with no known safety highways concerns, and C3 residential uses are considered less intensive.

West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

WSCC Fire and Rescue: Conditions recommended
Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation

with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Parish Comments:
It was RESOLVED to **object** to this application. No details for access to site, no description of curtilage, no water neutrality statement, not enough details of the applications to make a decision on the application.

Representations:
None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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.

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;**

Paragraph X of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 ('interpretation of Part 3') states that 'agricultural building' means a building used for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouses, and 'agriculture use' refers to such uses.'

Section 336(1) of the Town and Country Planning Act 1990 states 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 information submitted with the application provides limited detail as to the existing and previous use of the buildings. However, from a recent site visit. it is clear that the wider land has been used for animal grazing and the form of the building would indicate former use for the keeping of animals such as sheep. Historic aerial photos show sheep grazing in eth adjacent field in 2012 and 2018. It is possible that the building was also used in association with the ‘use of land for woodlands’ in association with the woodland belt that it sits on the edge of, but this would also qualify as agriculture for these purposes as set out above. It does not appear that the barn has seen a material change of use since its last use for agricultural purposes with it currently being laid out to secure animals, with evidence of recent use.

It is therefore considered that the land and building has been used for purposes falling within a definition of agriculture (S.336, TCPA 1990) and can be considered to form part of an established agricultural unit, with the use of the building ancillary to the wider holding. The planning statement specifically states the applicants understanding that the building was formerly used as a field shelter and agricultural storage.

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;**

The proposal would result in 1no dwellings measuring to a floor area of around 70square metres. This is considered to be a smaller dwellinghouse.

(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 1no dwellings measuring to a floor area of around 70 square metres. This is considered to be a smaller dwellinghouse.

(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 proposal would result in 1no dwellings measuring to a floor area of 70 square metres. The proposal is considered to meet the requirements (d).

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

The proposal is considered to meet the requirements of (e).

(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 Planning Statement indicates that the site is not and has not been occupied by an agricultural tenancy.

(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 Class A(a) or Class B(a) of Part 6 had taken place

(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 plans submitted indicate that the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

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

Paragraph 105 of the Planning Practice Guidance in relation to building operations states the following:

'Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it

recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for 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 include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.'

The proposal would include the following conversion works:

- Retention and refurbishment of internal frame
- Replacement of roof materials
- Replacement of existing external walls/cladding including the insertion of
- windows and doors to new walls
- Internal operations including the installation of internal walls and insulation

All structural elements of the building will be retained and a structural statement prepared by a suitably qualified Structural Engineer has been submitted. This states the following conclusions and recommendations:

Generally, the building is in a good condition, the only required work would be the replacement of the odd roof boarding /eaves trim and is not considered to be excessive. For conversion to domestic usage the main floors and walls will require insulation to the current regulations, and this can all be done internally with concrete slab and timber frame and plasterboard. In respect of the ground floor the soil and gravel will be removed from within the structure and a new internal concrete slab would be cast together with DPM and insulation and a floating chipboard floor. There is adequate height for this to take place. The roof would need to be insulated and plasterboard and this can all be done without affecting the current roof structure or covering. We understand that in order to improve the appearance some new windows may need to be installed and this can all be done by trimming back the cladding and installed support framing from within the structure. Some minor repairs to the cladding and roof, with rainwater guttering added to the external eaves. None of these will affect the structural integrity. From our inspection we see no structural reason why the existing buildings cannot be converted for domestic use.

The proposed alterations are considered to be reasonably necessary to convert the building to a dwelling, and the proposal is therefore considered to comply with Q.1(i).

(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 is small in scale and the existing access from East Street is adequate to serve the new dwelling (albeit this will need to be extended as there is currently no formal vehicular access at this part of the site- this may require planning permission). There will also be no significant intensification of use. Class Q does not require car parking to be considered. There are as such no adverse transport and highways impact of the proposal, which therefore complies with criterion Q.2 (1) (a).

(b) noise impacts of the development,

Paragraph 109 of the National Planning Policy Framework (NPPF) requires development to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 123 of the NPPF states that 'planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

The building subject of conversion is sited in isolation on the edge of the field/ adjacent to an area of woodland. The wider surroundings are characterised by a mix of sporadic residential dwellings and other farm uses.

It is not considered that the proposed development itself would result in demonstrable harm to the amenities of surrounding residential properties or users of the land.

(c) contamination risks on the site,

Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in made ground, yards and hard standings.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution and land instability. Paragraph 183 of the NPPF continues that planning decisions should ensure that a site is suitable for its proposed use, taking into account ground conditions and any risks arising from land instability and contamination.

No information in respect of Contamination Risk has been submitted in support of the application. While it would be beneficial to provide this information up front, it is considered that a suitably worded condition can be imposed to ensure a full investigation is carried out.

(d) flooding risks on the site,

The site lies outside of the designated Flood Zone

(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 barn is located within/at the edge of an agricultural field. The nearest residential property is located over 220 metres to the south at the curtilage boundary of Rusper Court Cottages and around 40 metres to the north at the define residential curtilage of Normans itself. This part of the site is characterised by sporadic residential properties and agricultural fields, rather than agricultural buildings. There are no other agricultural buildings within the vicinity.

The large patio doors and windows to the eastern elevation would be around 2.8 metres from the edge of the residential curtilage immediately adjacent to agricultural activities that could occur within the field. This proximity could result in unacceptable living conditions for future occupiers with regard to disturbance, noise, privacy and smell. The design of the building and its location within a field (that may not be under the same ownership as the application site) would allow farm animals, machinery, chemicals, and agricultural uses to be immediately adjacent to the building. This would not accord with a requirement of the National Planning Policy Framework to seek a good standard of amenity for all existing and future occupants of land and buildings.

The barn is also located in close proximity to a designated area of Ancient woodland and additional mature large trees of interest to the south, north and west. There is concern that due to the position, form and size of the mature trees, future residents would experience issues with natural light to the property and curtilage as well as issues with falling tree detritus including acorns and bird excrement. This will result in an unacceptable and undesirable living condition as well as unacceptable pressure for removal of the trees.

It is acknowledged that the building is already in situ, and any root disturbance may have already occurred when the building was erected (sometime between 2001 and 2007). However, consideration would need to be given to how any underground services such as fresh and foul water inlets and drainage systems would be connected to the new dwelling, and how any hard or soft landscaping activity generally associated with residential use would be integrated into the development proposal. All of these associated works would be impractical and undesirable within the 15 metre Ancient Woodland (AW) buffer zone.

Thus the location of the building within a field with no separation between the proposed dwelling and agricultural uses, within the 15m Ancient Woodland buffer zone would be undesirable, thereby failing to meet the conditions of Class Q.

(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 building is considered to be of visual and aesthetic interest and is considered to sit appropriately and modestly within the character of the wider area. The proposal would utilise the existing building, with the addition of glazed doors and windows and four small rooflights. These alterations are considered to retain the overall character of the building, and while introducing a degree of domesticity, is not considered to result in substantial harm to the overall character and visual amenity of the subject building. The proposal is therefore considered to accord with Q.1(f).

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

The submitted Floor Plan indicates that all habitable rooms would benefit from a sufficient number of windows to ensure an adequate provision of natural light. However the presence of so many large mature trees within the protected Ancient woodland are likely to have a negative impact on this.

the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Part X of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 defines “curtilage” for the purposes of Class Q as:

“the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or an area of land

immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser"

The curtilage would extend loosely around the perimeter of the building. The total area of this curtilage would comply with Part X as defined above.

National Space Standards

In accordance with Section (9A) of Article 3 of the General Permitted Development Order (2021 Amendment), Schedule 2 of the Order only permits development for 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.'*

The proposal incorporates the creation of one smaller two-bedroom dwellinghouse. The minimum space standard for the GIA for a 2b,3p unit is 61 square metres. This minimum size limit has been met and the bedrooms are an adequate size.

Other Matters

Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended states that:

"Subject to the provisions of this Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2."

Section 75 of the Conservation of Habitats and Species Regulations 2017 states that *"it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which –*

> *(a) Is likely to have a significant effect on a European site or a European offshore marine site (either 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 (approval of local planning authority)."*

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

On this basis, an application under Section 77 of the Conservation of Habitats and Species Regulations 2017 would be required to be submitted, and development subject of this Prior Approval application could not be carried out until a decision of such application has been made.

Recommendation: Prior Approval Required and Refused

1 Given the location and siting of the building, there is the potential for the future occupiers of the dwellings to be adversely impacted upon by any agricultural activities being undertaken on the wider site by reason of noise, odour and general disturbance associated with the uses being undertaken. There is also potential for the future occupiers to be adversely impacted upon by the Ancient Woodland buffer zone and the undesirable amenity impacts of it's close proximity. As such it is considered that the siting of the building makes it undesirable to change to residential

uses. The change of use would not therefore be permitted by Q.2 (1)(b) of Part 3, Class Q, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

OSITIVE 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/24/0237

Schedule of plans/documents **no**t **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		DE1220/B/01 REV P1	12.02.2024
Floor plan	Roof, as existing	DE1220/B/02 REV P1	12.02.2024
Elevation plan	Sections, as existing	DE1220/B/03 REV P1	12.02.2024
Floor plan	Roof, as proposed	DE1220/B/04 REV P1	12.02.2024
Elevation plan	As proposed	DE1220/B/05 REV P1	12.02.2024
Photos		DE1220/B/06 REV P1	12.02.2024
Supporting Statement	Planning	NONE	12.02.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 03/04/2024

Authorising Officer sign/initial RHERMITAGE Date: 05.04.2024