Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0666
Barn To the East of Stane Street, Dedisham Farm, Guildford Road, Slinfold, West Sussex, RH13 0RA

DESCRIPTION:
Prior Notification for the Change of Use of an Agricultural Building to flexible commercial use

RELEVANT PLANNING HISTORY:

DC/22/1642	Prior notification for the excavations and engineering works associated with the replacement of collapsed, failed field drainage.	Prior Approval Required and PERMITTED on 11.11.2022.
DC/22/1947	Erection of an agricultural barn, associated storage tank and infrastructure.	Application Permitted on 09.02.2023.
DC/23/1764	Prior Notification for the installation of a 1No. water tank, pump house, and 2No. underground water tanks	Prior Approval Not Required on 18.10.2023.

SITE AND SURROUNDINGS
The application site is located on the east side of Stane Street, north of Random Hall Hotel and is accessed by means of an existing driveway to the north of the field. The structure has an approximate floor area of 165.6 square metres and the building is a steel frame structure with approximately 1.75m metres blockwork with cladding above.

DETAILED DESCRIPTION
This notification seeks prior approval under Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for change of use of an agricultural building to flexible commercial use.

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: The department have no adverse comments to make regarding this application. However, as the application is to convert the barn under 'flexible use' would require further details as to the intended use.

WSCC Highways: No Objection: -

The site is located on Stane Street, an A-classified road subject to national speed limit in this location. 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.

The existing building is currently used for agricultural purposes, and the Planning Statement states that the applicant proposes to utilise the building for storage. The LHA would not anticipate that such a change of use would result in a material intensification of movements to or from the site.

From inspection of WSCC mapping, there are no apparent visibility issues with the existing access point on Stane Street. An inspection of collision data supplied to WSCC by Sussex Police over a period the past five years reveals there have been no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

From inspection of WSCC mapping, there appears to be sufficient space within the site for appropriate parking provision to be accommodated. There is also space for on-site turning to be achievable, allowing vehicles to exit the site in a forward gear.

In summary, the prior approval is considered acceptable in highway terms.

Parish Comments:
None received.

Representations:
One representation received which supported the application, but raised concerns in respect of noise, asbestos disposal and potential removal of trees and shrubs.

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 R of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—
- ***(i) on 3rd July 2012;***
- ***(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 building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;***

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;

(c) the site is, or forms part of, a military explosives storage area;

(d) the site is, or forms part of, a safety hazard area; or

(e) the building is a listed building or a scheduled monument.

It is noted that the Council does not hold any information that would contradict R.1 (a) from the requirements above. The planning statement states that the building is 165.6sqm. The cumulative floor space would therefore not exceed 500 square meters and the requirements of (b) are therefore met. (c) – (e) are not relevant in the case of this prior approval.

R.3(1)(b) of the Order states that before changing the use of the site under Class R, and where a unit exceeds 150m2 of floor area (as is the case for this proposal), 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 the following matters:

Transport and Highways Impact

The planning statement indicates that traffic movement from the site will dramatically reduce as the need for agricultural traffic will be minimised. The nature of the storage and use will expect a maximum of 2 to 10 movements a week as people will not be visiting the site on a daily basis. The LHA does not anticipate that such a change of use would result in a material intensification of movements to or from the site. WSCC Highways also concluded that there are no visibility issues with the existing access point on Stane Street and there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. There is also sufficient space for appropriate parking provision and for on-site turning. The LHA therefore does not consider that the proposal would have an unacceptable impact on highway safety, and that the change of use would result in no greater vehicle movements to and from the site. The prior approval is therefore considered acceptable in highway terms.

Noise Impacts

It is noted that Environmental Health has recommended that further information be sought in respect of the proposed use, but raised no adverse comments. It is though considered that the modest scale of the building, the former agricultural use, the nature of the proposed storage use and the presence of intervening screening (between the barn and neighbouring properties) would mitigate any potential for harmful noise impacts. A condition is recommended to control operating hours of the premises.

Contamination Risks on the Site

Paragraph 189 of the NPPF states that planning decisions should be based on adequate site investigation information, prepared by a competent person, which demonstrates suitability for use. Without sufficient information submitted with this application it is not possible to make such a determination.

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.

The application has not been supported with any detailed statements with regards to potential contamination impact, however, the planning statement states there have been no records of contamination on site. It is considered that this information can be requested through suitably worded condition. As such, no objections are raised on these grounds.

Flooding Risk on the Site

The building is sited within Flood Zone 1 and therefore no concerns are raised in this respect.

Conclusion

For the reasons set out it is recommended that prior approval be granted.

It is noted that Class R allows only allows for a change of use and not for any associated operational development. It is recognised that any associated operational development that affects the external appearance of the building would also require a separate grant of planning permission to authorise it. This is referred to in Parts R.3(3) and (4) of Class R Part 3 Schedule 2 of the GPDO. Any building operations to the structure to facilitate the change of use would require planning permission in its own right, unless they do not meet the definition of development under Section 55(2)(a) of the Town and Country Planning Act.

Recommendation: Prior Approval Required and PERMITTED

1 **Regulatory Condition**: The premises shall not be open for trade or business and no deliveries or dispatch shall take place except between the hours of 07:00-18:00 hours on Monday to Friday, from 08:00 to 18:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjacent occupiers.

2 **Regulatory Condition**: If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: 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.

NOTE TO APPLICANT

- The Applicant is advised that this Prior Approval relates solely to the material change of use of the building. Any development which would materially affect the external appearance of the building would require the benefit of planning permission.

- The site lies within the Sussex North Water Supply Zone where Natural England has advised that water extraction cannot be concluded as having 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.

  No development shall therefore take place 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) and https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district/regulation-77-conservation-of-habitats-and-species-regulations.

Plans list for: DC/24/0666
(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 plan		NONE	29.04.2024
Block plan		NONE	29.04.2024
Elevation plan	South and North	NONE	29.04.2024
Elevation plan	East and West	NONE	29.04.2024
Supporting Statement	Planning	NONE	29.04.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 13.06.2024

Authorising Officer sign/initial Guy Everest Date: 18.06.2024