n.j.a town planning Ltd

Applications & Appeals Services

PLANNING APPEAL

In respect of

Brighthams Farm, Bines Road,
Partridge Green, West Sussex, RH13 8EQ



Appellants : Mrs and Mrs J Nash

LPA Ref: DC/24/0655

December 2024

Nikolas J. Antoniou BSc (Hons) DipTP MRTPI

NIKOLAS JAMES ANTONIOU

I hold a Bachelor of Science with Honours Degree and Post Graduate Diploma from the University of Wales, College of Cardiff, in City and Regional Planning and have been a Member of the Royal Town Planning Institute since 1999.

I have over 25 years of experience in Town Planning and have held senior positions in Local Government the most notable being Head of Development Control at Arun District Council. I have worked for national planning consultancies and also held the position of Planning Manager for a house building firm.

For a number of years I have now been the Director of NJA Town Planning Ltd and undertake the full range of planning work across a wide geographical area serving the needs of private individuals, private estates and commercial businesses.

I am familiar with the appeal site, the Local Planning Authority and its policies.

CONTENTS **PAGE**

1.0 INTRODUCTION **4**

2.0 BACKGROUND **5**

3.0 APPRAISAL OF THE APPEAL PROPOSAL **7**

4.0 CONCLUSIONS **23**

Appendix NJA/1 – Details of application DC/23/2211, Brighthams Farm

1.0 INTRODUCTION

1.1 This appeal is against the refusal by Horsham District Council, as Local Planning Authority, of an application for the ***"Prior Notification for Change of Use of Agricultural Building to a single dwelling house"*** (DC/24/0655) at Brighthams Farm, Bines Road, Partridge Green, West Sussex. NJA Town Planning Limited has been instructed by Mr and Mrs Nash to appeal against the refusal by the Council.

1.2 The appeal application DC/24/0655 was determined by the Council on 21st June 2024 and it was refused for the following reason:

> **1. The proposal fails to demonstrate, to the satisfaction of the Local Planning Authority, that the building is capable of conversion without the construction of new structural elements and that the proposed building operations are reasonably necessary for the building to function as a dwellinghouse, as permitted by Class Q. The proposal therefore fails to comply with the requirements of Q.1 .(j) of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

1.3 A copy of the formal decision notice is included with the appeal documentation.

1.4 In line with best practice as set out in the Planning Inspectorate guidance notes, the Appellants will not repeat matters such as site description, planning history, details of the proposal etc., which have already been set out in detail in planning documentation and the Planning Statement submitted with the original application.

1.5 This Statement of Case will consider the proposed development against Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and will analyse the Council's delegated report.

2.0 BACKGROUND

2.1 The proposal is for the conversion of a small barn at Brighthams Farm, Bines Road near Partridge Green into a one bedroom (one person) dwelling with an attached car port and store (Class C3).

2.2 The application/appeal is submitted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which sets out that the change of use of an agricultural building to a dwelling(s) together with building operations does not require planning permission, subject to criteria.

2.3 This Statement of Case should be in conjunction with the plans, Planning Statement and associated appendices, the Preliminary Contamination Risk Assessment and structural letter and calculations submitted to the Council (please see covering letter dated 25 April 2024) together with the further structural information submitted in support of this appeal in order to specifically address the Council's reasons for refusal.

2.4 The Planning Inspector will note from the planning history that the application the subject of this appeal is the second Class Q proposal submitted to the Council. The first application (DC/23/2211) for a similar proposal was refused on 26 January 2024 for a number of reasons as set out at Section 1.0 of the Appellants' Planning Statement. Paragraph 1.3 of the Planning Statement explains the reasons for the re-submission and the additional information provided to the Council including calculations, amended plans and a Preliminary Contamination Risk Assessment.

2.5 Details of application DC/23/2211 are included at Appendix NJA/1 of this Statement of Case for the Planning Inspector's information. The application/appeal before the Planning Inspector is a positive response to the Council's previous objections.

2.6 It is noted that Class Q was updated on 30 April 2024, after the submission of the application the subject of this appeal, with the changes taking effect from 21 May 2024.

3.0 APPRAISAL OF THE APPEAL PROPOSAL

3.1 This section examines the Council's delegated report (in bold) to address the key planning issues and why the application was refused.

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—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

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

3.2 The proposed development is for the change of use of a building which is part of an established agricultural unit (Brighthams Farm) into a dwelling, falling within the use class of C3 (dwellinghouses). The proposed building operations needed to convert the building into a dwelling are reasonably necessary. The proposal therefore falls to be considered under the provisions of Class Q.

Development not permitted

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

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or
(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

(b) in the case of a site that was (but is no longer) part of an established agricultural unit—

(i) the site was part of an established agricultural unit on 24th July 2023,
(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose.

There is little planning history to either prove or disprove that the building was used solely for agriculture as part of an established agricultural unit as required by Q.1. The building was included within the wider blue ownership line on a previous application for a building on the wider site, indicating that it was within the ownership of the owners of the wider farm.

The information submitted with the application provides limited details as to the previous use of the building. From a site visit it appears to be currently used to store materials which could be agricultural in nature. The form of the building would indicate that it was likely used for agricultural machinery storage rather than for hay or animals.

From the limited evidence before me, I conclude that, on the balance of probabilities, the building was solely in agricultural use on 20 March 2013. On this basis the permitted development rights in Class Q of the GPDO apply to the appeal building.

3.3 The appeal building forms part of Brighthams Farm which covers an extensive area of land surrounding the building including the further agricultural buildings located to the east. It is confirmed that the building has been part of an established agricultural unit (Brighthams Farm) for many years (in excess of 10) and solely in agricultural use including on 24 July 2023. The proposal complies with the provisions stated above and there is no conflict with Class Q.1 (a) and (b).

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres.

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres.

The proposal would result in the creation of one smaller dwelling with an overall floor area of 69.88 sq m and the cumulative number of dwellinghouses on the unit would not exceed 10 or 1,000 sq m. The proposal is considered to meet the requirements of (c) and (d).

3.4 As set out, the proposed development is for the creation of one smaller dwelling with a floor area of 69.88 sq m. No other buildings have been converted under Class Q at the agricultural unit. The Case Officer's report confirms that the proposal complies with Class Q.1 (c) and (d).

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

(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,

There are no agricultural tenancies that the LPA is aware of. The proposal is considered to meet the requirements of (e) and (f).

3.5 There are no agricultural tenancies in place relevant to the barn. The Case Officer's report confirms that the proposal complies with Class Q.1 (e) and (f).

(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 during the period which is 10 years before the date development under Class Q begins,

No agricultural permitted development (development under Class A (a) or Class B (b) of Part 6 of the Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013. The proposal complies with criterion Q.1 (g).

3.6 No agricultural permitted development under the above Classes has been carried out on the established agricultural unit in the last 10 years and the proposal complies with Class Q.1 (g).

(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, other than—

(i) extension of the building allowed by paragraph Q.1 (i);
(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j) (i),

The proposal would not result in the external dimensions of any of the buildings extending beyond the external dimensions of the existing buildings. Whilst the building is to be re-clad and re-roofed, it is not anticipated that these works would protrude beyond the existing dimensions of the structures. The proposal is therefore considered to meet the above criteria.

3.7 The development comprises the conversion of the existing building only (with no extensions) and the proposal will not result in the external dimensions extending beyond the external dimensions of the existing building at any given point. This includes new windows and doors that would sit flush to the replacement walls. The proposal complies with Class Q.1 (h).

(i) the development under Class Q(b) would result in an extension that—

(ii) has more than one storey,
(iii) is sited anywhere other than to the rear of the existing building,
(iv) extends beyond the rear wall of the existing building by more than 4 metres,
(v) has eaves the height of which exceed the height of the eaves of the existing building,
(vi) is higher than whichever is the lower of—

(aa) the highest part of the roof of the existing building, or
(bb) a height of 4 metres above the ground,

(vii) extends beyond a wall that forms a side or principal elevation of the existing building, or

(viii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—

(aa) the hard surface was not provided on the land on or before 24th July 2023, or
(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

The submitted plans do not indicate an extension to the existing building.

3.8 As set out, no extensions to the building are proposed and there are no implications in respect of Class Q.1 (i).

(j) the development under Class Q(c) 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(j)(i),

Paragraph 105 of the Planning Practice Guidance (which has not been updated) in relation to building operations states the following:

'Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water,

drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right'.

The agricultural building to which this notification relates appeared at an Officer's site visit to be of a rudimental state, and in some areas, in a poor state of repair. The previous application for a prior notification concluded that the works required would go beyond that which were concluded to be reasonably necessary such that the development would not be in accordance with the above criteria.

The Planning statement submitted as part of the current application includes a 'Consultant Structural Engineer' has been provided, dated February 2024 which indicates:

"It is therefore my opinion that the existing barn structure can be converted to become a residential dwelling without strengthening."

The submitted details state that the proposed works will include the installation of a new floor and insertion of partition walls and insulation to the external walls and roof. The proposal also includes the replacement of the existing roof and walls and insertion of windows and doors, but the retention of then internal frame. The letter states that calculations are attached but no calculations have been submitted. Within the letter there is no mention of test pits or foundation loading, underpinning and wind bracing. The internal floor appears to be a dirt floor. Contrary to the conclusions of the report, and after further inspection of the building from a site visit, the internal appearance of the roof was such that the ridge beam and ridge beam supports appeared light weight and unable to support loading necessary entailed by a residential development. This was further supported by the appearance of the end wall structural supports which were partly in timber board and partly in steel and supported themselves by the provision of additional timber boarding.

The current application has included submission of other application sites with the aim of supporting the application. Nevertheless, the purpose of the Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 is not to allow for the conversions of buildings in which the existing structure would need to be demolished and rebuilt to allow for residential purposes as this would not fall under assessment for a conversion under this class. It is noted that no site circumstances appear to have changed since the last officer's site inspection, and subsequent to the current officer's site visit on the 14th May 2024, the previous officer's conclusions on the dilapidated condition of the agricultural building can be confirmed.

With the above in mind, and considering the deteriorating state of the existing building, with rust on the frame, visibly rotten timber and a lack of technical structural drawings and calculations, it is considered that the proposed works would go beyond what is reasonably considered a conversion under Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3.9 The proposed conversion works comprise the following:

- Retention of internal frame
- Replacement of existing roofs
- Replacement of existing walls
- Insertion of windows and doors to new walls
- Installation of internal walls and roof
- Insulation to floors, walls and roof
- Installation of services

3.10 These works are all reasonably necessary to allow for the conversion of the building in accordance with Class Q.1 (j) and which do not interfere with the existing structural elements of the building.

3.11 The application submission was accompanied by a report from Mr Robert Linthorst, Consultant Structural Engineer (09 November 2023) who has surveyed the barn providing the following description:

'The barn is steel-framed with steel roof trusses made from 40 x 40 equal leg angles with welded connections, supported by 100m diameter (approximately) circular hollow sections. The walls are braced by timber mullions connected to the posts. All these elements appear to be in good condition. The posts bear onto masonry pads (also apparently in good condition). The roof is covered by corrugated cement board and the walls are clad with corrugated galvanized steel'.

3.12 The Engineer has carried out a numerical assessment of the steel trusses and confirms that they would be suitable to withstand loading from a lightweight roofing system, plus wind and/or snow, without strengthening. The loading onto the circular posts would be less than their capacity and the foundation pads may well increase in area below ground but even if they do not, they should have more than the required capacity for the

relatively light loading of the roof, posts and new timber walls. The Engineer subsequently concludes:

'It is therefore my opinion that the existing barn structure can be converted to become a residential dwelling without strengthening'.

3.13 Contrary to the comments in the Case Officer's report above, the relevant calculations are included with the Structural Engineer's letter and advice submitted to the Council. The calculations include an assessment/calculation of the existing posts and roof trusses and proposed loads. It is not therefore clear why the Case Officer's report states that *'The letter states that calculations are attached but no calculations have been submitted'.* It is also not clear as to whether the Council has sought its own structural engineering specialist to verify the comments made in the Case Officer's report above regarding the site visit (?).

3.14 Nevertheless, in order to further address the Council's reasons for refusal, this appeal is submitted with additional supporting information from the Structural Engineer (letter dated 25 November 2024). This confirms the following:

'I have carried out a numerical assessment of the streel trusses and can confirm that they would be suitable to withstand loading from a lightweight roofing system, plus wind and/or snow, without strengthening. The existing ridge beams and purlins are secondary structural elements and would not need to be relied upon by a new roofing system.

The loading onto the circular posts would likewise be less than their capacity. The foundation pads may well be proven to increase in an area below ground, but even if they are not, they should also have more than the required capacity for the relatively light loading from the roof, posts and new timber walls. These calculations are appended'.

3.15 The Structural Engineer's letter again concludes that the existing barn structure can be converted to become a dwelling without any strengthening. Therefore, the information provided to the Council and

also with this appeal, demonstrates that the building can be converted to a dwelling in accordance with the provisions of Class Q.1 (j) and no works go beyond what is reasonably necessary to carry out the building operations.

(k) the site is on article 2(3) land;

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

3.16 The proposal raises no conflict with Class Q.1 (k).

(l) 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.

3.17 The proposal raises no conflict with Class Q.1 (l).

(m) the site is, or contains, a scheduled monument; or

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

3.18 The proposal raises no conflict with Class Q.1 (m).

(n) the building is a listed building

The building is not a listed building.

3.19 The proposal raises no conflict with Class Q.1 (n).

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(1) as read with the notes dated 19th May 2016 which apply to it, or

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 one-bedroom dwellinghouse. The GIA of the main dwelling would measure around

45 square metres, extending to 69.88 square metres if including the storeroom and carport. The bedroom size exceeds the minimum floor area of 11.5 square metres. The current application shows two built-in cupboards for storage.

The National Space standards states that The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The internal face of a perimeter wall is the finished surface of the wall'. For a detached house, the perimeter walls are the external walls that enclose the dwelling, and for other houses or apartments they are the external walls and party walls'.

It is considered that the 'perimeter wall enclosing the dwelling is the wall of the dwelling that houses the 'internal floor area' rather than the carport and external store. This means that the GIA of the proposed dwelling measures just under 45m2. The one bedroom shown on the submitted plans is shown as a single bed occupancy indicating that the property is proposed to be a 1 bedroom, 1 person property (1B1P). The minimum space standard for a 1B1P one storey dwelling is 39 square metres. It is therefore considered that this proposal would meet the required standards.

3.20 As confirmed above, the proposal is for the creation of a one bedroom, one person dwelling which has a GIA of just under 45 sqm (not including the car port/store). This is above the minimum space standard for a one bedroom, one person dwelling (39 sqm) and as such, the proposal complies with Class Q.1 (o).

(p) the building does not have suitable existing access to a public highway.

The building is accessed in reasonable proximity to a track which runs through the wider unit and provides access onto Bines Road, which this arrangement considered suitable.

3.21 As set out, the proposed dwelling will benefit from a suitable vehicle access and the proposal complies with Class Q.1 (p).

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 will utilise the existing access from Bines Road that serves the wider farm. It is not anticipated that the proposed development would result in a material intensification in use of the access that would result in adverse highways impacts.

3.22 The proposal is small in scale and the existing access from Bines Road is adequate to serve the proposed dwelling. There will be no significant intensification of use and the proposal complies with Class Q.2 (1) (a).

(b) noise impacts of the development,

Paragraph 180 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 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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

3.23 The proposal is to create just one small dwelling. A residential use is not a use that will result in any harmful noise and disturbance and no harm will be caused to neighbouring residential amenity. Furthermore, the agricultural use of the surrounding land will not result in any adverse impact upon the residential amenity of future occupiers by reason of harmful noise and disturbance. There are as such no noise implications associated with the proposed development and suitable living conditions will be provided for the future occupier. The proposal complies with Class Q.2 (1) (b).

(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.

Information has been submitted as part of the application and Environmental Health have commented that they would recommend that an intrusive site investigation of the soft landscaped areas would be required as set out in the recommendations in the Preliminary Contamination Risk Assessment. It is considered that this would be able to be sought through condition prior to commencement.

3.24 As set out, the application was submitted to the Council with a Preliminary Risk Assessment (EAS Ltd, February 2024). The assessment sets out the geology and hydrogeological considerations, the site's development history, the existing site and environmental record data search results, potential sources of contamination and a risk assessment. In considering the potential risks, the assessment concludes that contamination potential at the site appears to be minimal (paragraph 9.8). Recommendations are set out at the end of the assessment which will be duly followed by the Applicants. The proposal complies with Class Q.2 (1) (c) and the Council has raised no objections in this regard.

(d) flooding risks on the site,

The site is situated within Flood Zone 1 as designated by the Environment Agency and therefore no concern is raised in this respect. The site is at 'very low' risk of surface water flooding.

3.25 The site is located within flood zone 1 (low risk) and the Council has raised no objections in respect of Class 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 barn is located within/at the edge of an agricultural field. The nearest residential property is located 22 metres to the south west (the curtilage boundary of Flylands) and 63 metres to the south at Brighthams Cottages. This part of the site is characterised by residential properties and agricultural fields, rather than agricultural buildings which are located further along the road within the cluster of buildings at Brighthams Farm. There are no other agricultural

buildings within the vicinity.

The application has been amended since the last application under DC/23/2211 and has enlarged the garden amenity space such that the proposal would enable practical operation of the large patio doors on the western elevation without being immediately adjacent to agricultural activities that could occur within the field. Whilst this would potentially result in some conflict between activities taking place in the adjoining field it would not as a matter of course be considered unacceptable, with sufficient separation from the main farm complex provided.

3.26 The proposed residential curtilage to the dwelling will create a buffer between the dwelling and the adjacent farmland. Occupiers of the proposed dwelling will not step out straight into farmland and there will be a small amenity space provided around the proposed dwelling.

3.27 As noted, there are no other agricultural buildings close to the barn. This limits the potential for noise and disturbance from agricultural vehicles and general activity. Furthermore, there are other residential properties nearby, which like the proposed dwelling, are also adjacent to and sit within farmland. As such, the proposed dwelling would not result in an unusual relationship between a residential use and farmland within the rural area.

3.28 The proposed dwelling will have a pleasant, open outlook across the farmland with good levels of natural lighting internally (dual aspect rooms) and external amenity space of a sufficient size in relation to the small size of the proposed dwelling. Importantly, it must be noted that the purpose of Class Q is to free up rural buildings which are no longer required for agricultural purposes and which can be appropriately converted to residential use. Given the nature and context of such buildings, there must be a reasonable acceptance that any dwellings proposed under the provisions of Class Q are likely to be close to agricultural activities but which in may cases (such as the proposal) an acceptable living environment for future occupiers can be created and any agricultural activities not necessarily harmful.

3.29 The proposed barn is in an acceptable location to support its conversion to a dwelling without creating an impractical or undesirable living environment for future occupiers. No harm will be caused to future

occupiers by way of any harmful noise, odour or general disturbance and the proposal therefore complies with Class Q.2 (1) (e) and the Council has raised no objections in this regard.

(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 barn is located in a rural countryside location as a stand-alone building on the edge of an open agricultural field.

The proposal includes new windows and doors and the replacement of window and roof materials. 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).

3.30 The proposal to convert the barn into a dwelling will substantially enhance its appearance and the setting of the site in general. The building will though retain its original form and the materials proposed are in keeping with the agricultural/rural setting.

3.31 The design of the proposed dwelling is high quality and whilst the proposal necessitates the inclusion of windows and doors, these are sensitively designed and sited to ensure that they complement the appearance of the building. The proposal complies with the provisions of Class Q.2 (1) (f) and the Case Officer's report raises no objections in this regard.

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

3.32 As set out, the internal layout of the dwelling is appropriately designed to ensure sufficient levels of natural light and outlook from well sited and sized windows and doors. The proposal complies with the provisions of Class Q.2 (1) (g) and the Council has raised no objections in this regard.

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 to the front of the building. The total area of this curtilage would comply with Part X as defined above.

3.33 The Council has raised no objections to the proposal in respect of the size of the proposed residential curtilage and the proposal complies with Part X.

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.

3.34 The Applicants are aware that an application under the provisions of Section 77 of the Conservation of Habitats and Species Regulations 2017 is required to be submitted and that the development the subject of this Prior Approval could not be carried out until a decision is made.

Recommendation: Prior Approval Required and REFUSED

4.0 CONCLUSIONS

4.1 This Statement sets out that the proposed conversion of the barn at Brighthams Farm to a one bedroom dwelling with attached car port/store complies in full with the requirements and conditions set out at Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and planning permission is not therefore required.

4.2 Specifically, it is demonstrated that the existing building is capable of conversion without the construction of new structural elements and that the proposed building operations are reasonably necessary for the building to function as a dwellinghouse in accordance with Class Q.1 (j). It is therefore respectfully asked that the appeal is allowed.