Horsham District Council

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

Our ref:	DC/23/2211
Your ref:	Brighthams Farm
Email:	planning@horsham.gov.uk
Direct Line:	01403 215184
If Calling Please ask for:	Kate Turner
Date:	26th January 2024

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (General Permitted Development) (England) Order 2015
Application for Prior Approval under Schedule 2, Part 3, Class Q

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

Brighthams Farm Bines Road Partridge Green West Sussex

Further to the above notification which was received on 4 December 2023, I am writing to confirm that **prior approval is required and refused** for the following reason(s):

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.(i) of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2 The development would comprise one dwelling that would not meet the minimum GIA as prescribed by the National Space Standards (2015) technical requirements (10(a)); thus the proposed conversion does not accord with Section 9A(b) of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

3 Given the location and siting of the building, there is the potential for the future occupiers of the dwelling to be adversely impacted by the agricultural activities on the agricultural land immediately adjacent to the building by reason of noise, odour and general disturbance associated with these activities. As such it is considered that the amenity impacts of the development and siting of the building in relation to potentially incompatible adjacent uses makes it undesirable to change to residential uses, contrary to the requirement of Q.2 (1)(b) and Q.2 (1)(e) of Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended.

Community Infrastructure Levy (CIL)

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

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Schedule of plans/documents

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

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location & Block Plan	PL01	04.12.2023
Elevation & Floor plan	New Dwelling	PL02	04.12.2023
Supporting Statement	Planning Statement	NJA/22/299	04.12.2023
Supporting Statement	Structural Engineer Letter	2023-BRIG	04.12.2023

Planning permission is therefore required for the proposed development.

Appeals to the Secretary of State

If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of this decision notice for a 'minor commercial' (shop front) application, and within 6 months for most other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.

Yours faithfully



Emma Parkes
Head of Development and Building Control

Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/2211
Brighthams Farm , Bines Road, Partridge Green, West Sussex, RH13 8EQ

DESCRIPTION:

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

RELEVANT PLANNING HISTORY:

DC/18/1063	Creation of slurry lagoon incorporating the importation of material.	Application Permitted on 29.03.2019
DC/17/2618	Non-material amendment to DC/17/1628 (Change of use and extension to building to offices B1 use to facilitate additional use as two self-catering holiday lets, as well as approved B1 office use). Proposed amendment to condition 10 to allow use for either holiday use or B1 use.	Application Permitted on 20.12.2017
DC/17/1628	Proposed alterations to previously approved application DC/07/0714 (Change of use and extension to building to offices B1 use) to facilitate additional use as two self-catering holiday lets, as well as approved B1 office use	Application Permitted on 17.10.2017
DC/13/1021	Proposed general purpose agricultural building for stock housing and storage	Application Permitted on 23.08.2013

SITE AND SURROUNDINGS:

The application site comprises a small barn with an attached lean-to at Brighthams Farm, within the countryside, and approximately 1 mile to the south of Partridge Green. The barn is situated to the south-eastern boundary of a field and is accessed via the main private drive that leads to Brighthams Farm. Prior to entering the farm yard, a smaller gravel track spurs to the north of the main driveway which leads directly to the proposed location for the dwelling.

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 one bedroom dwelling with attached car port and store.

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: Objection

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 is required on these matters and a preliminary risk assessment including a site walkover should be provided to ensure the application is properly determined.

No information on measures to achieve water neutrality within the proposed dwelling have been provided.

WSCC Highways: No Objection

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 Bines Green. 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. From inspection of the plans, there appears to be suitable space within the site for this demand to be accommodated, with space for on-site turning. The external store could be used to for the secure storage of bicycles.

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: Comments

Having viewed the plans for the planning application no. DC/23/2211 for the Change of Use of Agricultural Building to a single dwellinghouse, the nearest fire hydrant for the supply of water for firefighting is 330 metres away, 155 metres further than the 175-metre distance required for a domestic premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document–B (AD-B) Volume 1: B5 section 14.

Evidence is also required to show suitable access for a fire appliance to the site, capable of supporting 18 Tonne axial weight for a fire appliance and a suitable turning facility to enable a fire appliance to turn

and make their exit. The road widths for a fire appliance are given in AD-B Volume 1: B5 section 13, Table 15.1 & Diagram 13.1.

Parish Comments:

None received

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.

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 wider land is used for agricultural with cows being evidenced within the field in 2012. 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.

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 will not create a larger dwelling.

(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 the creation of one smaller dwelling with an overall floor area of 69.88 sq m. The proposal is considered to meet the requirements of (c).

(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 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;

There are no agricultural tenancies that the LPA is aware of. 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;

There has been no termination of an agricultural tenancy within the last year. The proposal complies with criterion Q.1 (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—

(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 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).

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;";

The proposal would not result in the external dimensions of 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.

(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 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. A letter from a 'Consultant Structural Engineer' has been provided, which indicates:

"The barn is steel-framed with steel roof trusses made from 40 x 40 equal leg angles with welded connections, supported by 100mm 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 galvanised steel.
I have carried out a numerical assessment of the steel 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 loading onto the circular posts would likewise be less than their capacity. The foundation pads may well increase in area below ground, but even if they do not, they should also have more than the required capacity for the relatively light loading from the roof, posts and new timber walls.
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 the internal frame. The letter states that calculations are attached but no calculations have been submitted. These have been requested but have not been received at the time of writing this report. 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.

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 there is currently insufficient information to enable a decision to be made in relation to (i) of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

(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 will utilise the existing access from Bines Road that serves the wider farm. Planning permission would be required to formalise the access point directly to the barn and for the formalisation of any parking arrangements.

It is not however anticipated that the proposed development would result in a material intensification in use of the access that would result in adverse highways impacts.

(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.

(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.

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. A Preliminary Risk Assessment including a site walkover should be provided.

(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.

(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 Hylands) 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.

However, the curtilage of the building is drawn to be entirely situated to the east of the building, with the curtilage to the west being drawn tightly to the boundary wall of the building. The large patio doors and windows to the western elevation would be immediately adjacent to agricultural activities that could occur within the field. This proximity would 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, and the use of the large

doors serving this room would be restricted. 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.

Thus the design of the building, and its location within a field with no separation between the proposed dwelling and agricultural uses, 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 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).

(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).

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.

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 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. No built-in storage is shown on the plans.

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 provided is shown on the submitted plan (PL02) as a double bedroom, indicating that the property is proposed to be a 1 bedroom, 2 person property (1B2P). The minimum space standard for a 1B2P one storey dwelling is 50 square metres which this proposal fails to meet. It is therefore considered that this proposal would fail to meet the required standards to provide adequate living arrangements for the future occupiers.

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.

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.

Use Description	Proposed	Existing	Net Gain
District wide residential	69.88	0	69.88
		Total Gain	**69.88**
		Total Demolition	**0**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

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 Refused

Reason(s) for Refusal:

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.(i) of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The development would comprise one dwelling that would not meet the minimum GIA as prescribed by the National Space Standards (2015) technical requirements (10(a)); thus the proposed conversion does not accord with Section 9A(b) of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

3. Given the location and siting of the building, there is the potential for the future occupiers of the dwelling to be adversely impacted by the agricultural activities on the agricultural land immediately adjacent to the building by reason of noise, odour and general disturbance associated with these activities. As such it is considered that the amenity impacts of the development and siting of the building in relation to potentially incompatible adjacent uses makes it undesirable to change to residential uses, contrary to the requirement of Q.2 (1)(b) and Q.2 (1)(e) of Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended.

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/23/2211

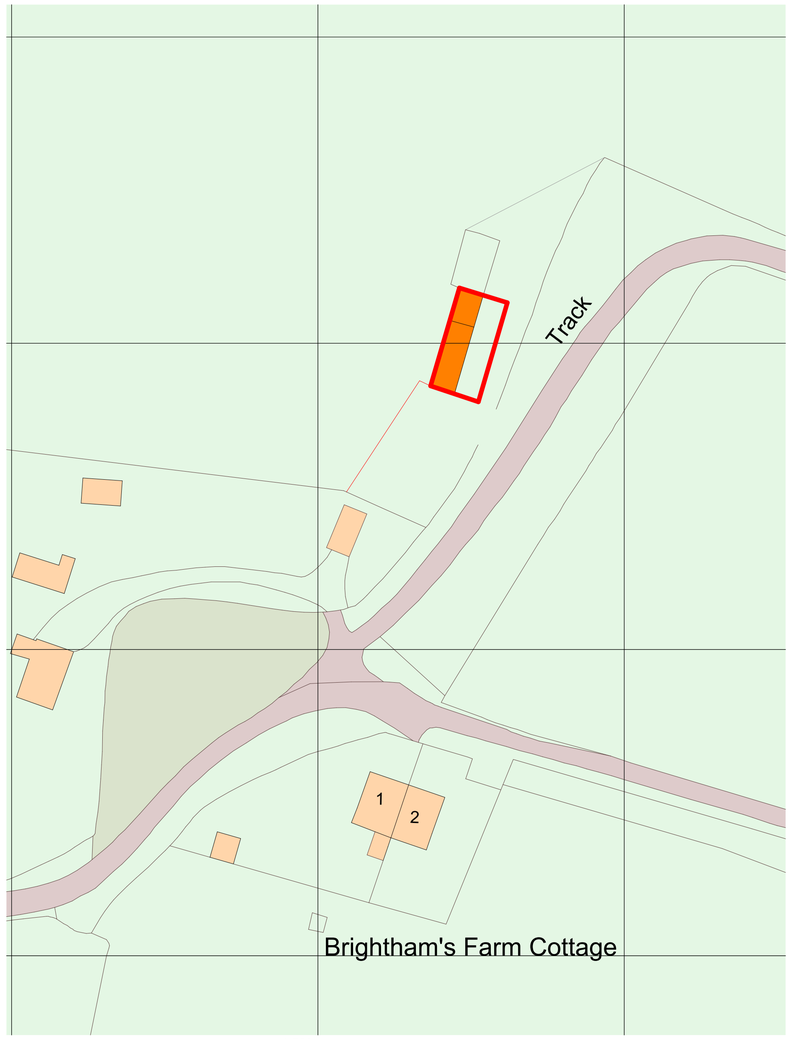
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location & Block Plan	PL01	04.12.2023
Elevation & Floor plan	New Dwelling	PL02	04.12.2023
Supporting Statement	Planning Statement	NJA/22/299	04.12.2023
Supporting Statement	Structural Engineer Letter	2023-BRIG	04.12.2023

DELEGATED

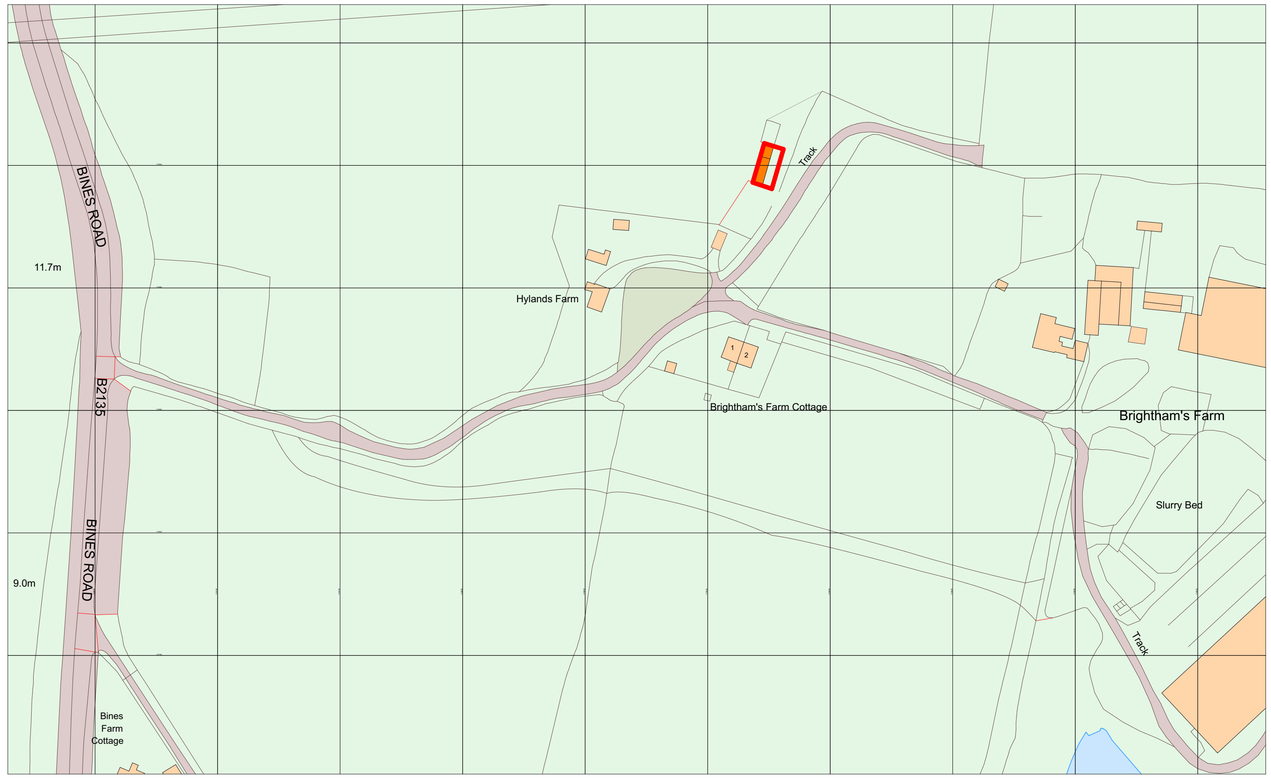
Case Officer sign/initial Kate Turner Date: 26.01.2024

Authorising Officer sign/initial Tamara Dale Date: 26.01.2024



1:500
Block Plan

0 10 20 30 40 50



1:1250
Location Plan

0 20 40 60 80 100

N

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Rev.	Amendments	Date	Drw.

PHILIPS SURVEYORS
BUILDING SURVEYORS, DESIGNERS & CONSULTANTS

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EMAIL **INFO@PHILIPS-SURVEYORS.CO.UK**
WWW.PHILIPSCHARTEREDSURVEYORS.CO.UK
RICS

CLIENT:
Mr & Mrs J Nash
Brighthams Farm, Bines Road,
Partridge Green, West Sussex. RH13 8EQ

PROJECT:
Conversion of Existing Barn into Residential Accommodation
Brighthams Farm, Bines Road,
Partridge Green, West Sussex. RH13 8EQ

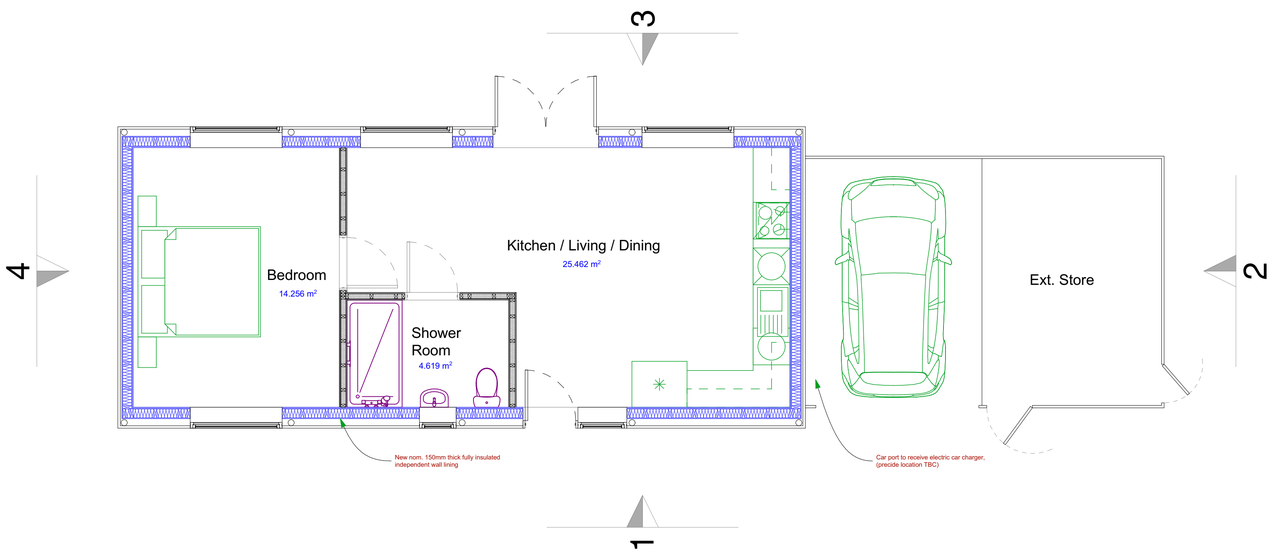
DRAWING TITLE:
Planning

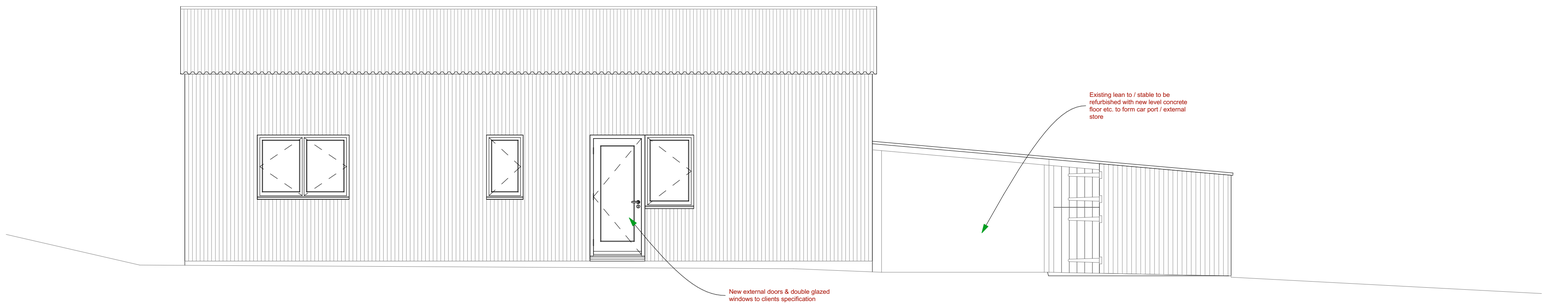
Location & Block Plan

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THR	2523	As Shown
CHECKED: PGA	DRAWING NO: PL01	REV:
DATE: Mar 23		

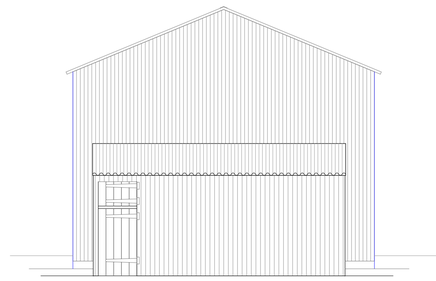
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Z:\PCS Current PGA\252323 Brighthams Farm\5. DRAWINGS\2523 Brighthams Farm_1.pln2523 Brighthams Farm_1.pln

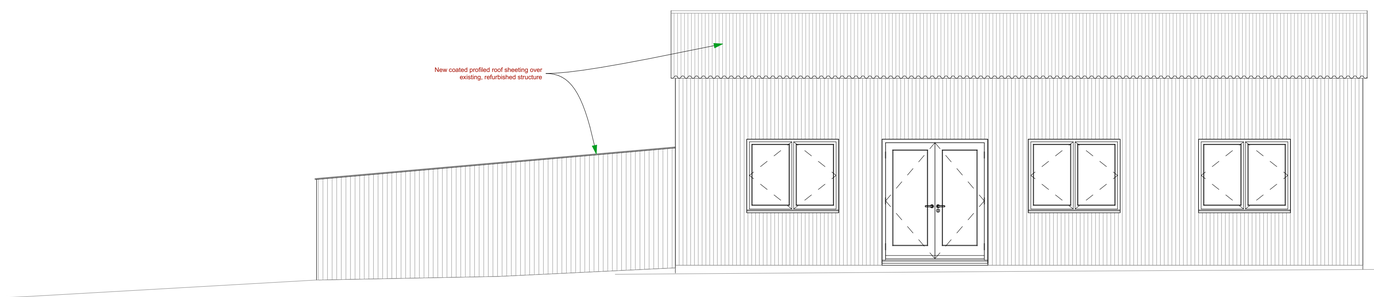




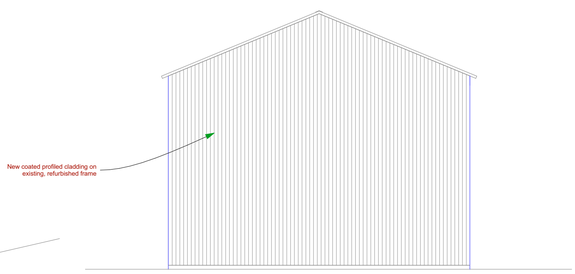
ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4

1:50
1 Bed Option

0 1 2 3 4 5

Z:\PCS Current PGA\252323 Brighthams Farm\5. DRAWINGS\2523 Brighthams Farm_ 1.pln2523 Brighthams Farm_1.pln

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DRAWING TITLE:
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New Dwelling

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THR	2523	As Shown
CHECKED: PGA	DRAWING NO: PL02	REV:
DATE: Mar 23		

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