Our ref: DC/24/0084
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Date: 14th October 2024

Dear Daniel Reid,

APP/Z3825/W/24/3348147 - Amiesmill Farm, Kerves Lane, Horsham, West Sussex

Following the submission of the appeal against the refusal of the Prior Notification for Change of use of agricultural building to a single dwellinghouse with associated building works. The Local Planning Authority would refer the Inspector to the Delegated Report, and would like to reiterate the reasons for refusal as follows.

As per the previous appeal within this application site under DC/22/0756 (APP/Z3825/W/22/3306617) also for the conversion of an agricultural building to dwelling with associated works, the Inspector at the time concluded that "*Although the proposal would satisfy the requirements of the GPDO with regard to being permitted development for a change of use from an agricultural building to a dwellinghouse having particular regard to the requirements under Class Q.1(a), the location of the agricultural building makes it undesirable for it to be used as a dwellinghouse in terms of its effect on the living conditions of future occupiers of the proposed dwellinghouse, having particular regard to noise and disturbance."*

Subsequent to the dismissal of this appeal, an application was submitted under DC/23/1486 for the *"Partial demolition of stables together with alterations and use of existing stabling for the keeping of privately owned horses and associated access".* The appeal statement outlines that enacting this permission has changed the site circumstances with the agricultural building sufficiently such that the previous concern over noise and disturbance has been overcome.

It is evident that the stables building and equestrian use would still be capable of functioning in such a way as to generate an undesirable level of noise and disturbance to the future occupiers of the building proposed for use as a dwellinghouse. The planning statement indicates that the previous permission would have sufficiently changed the site circumstances such that the retained part of the stables would be approximately 31 meters away, however equestrian activities remain within the site. Whilst the proposed floor plans under DC/23/1486 show 5 stables, the rest of the U-shaped structure remains in equestrian related uses including, Cart Shed, two hay stores, two tack rooms, feed and bedding, solarium and wash room. The use of the site in this area would remain in an equestrian use, albeit for privately owned horses. Whilst there has been some demolition of the stables building, this would not be to such an extent that the distance between the buildings has substantially been altered.

The council consulted Environmental Health as part of the application, with the most pertinent part of their response being as follows: *"Further information is required from the applicant to demonstrate that the uses of these buildings and associated activities will not adversely impact the amenity of the occupiers of the proposed dwelling."* This demonstrated to the officer that an insufficient amount of information had been submitted to conclude that the level of noise and disturbance would not be unacceptable to the future occupiers of the dwellinghouse and it is noted

that at the time of the assessment no Noise survey had been carried out to evidence that the reduction in the number of horses and remaining equestrian activities would not result in an unacceptable level of noise and disturbance. As such, it is evident from the consultation response from Environmental Health that they considered there to be insufficient information to confidently conclude that that previous reason for refusal had been overcome. As such, the officer's report noted that "there is no evidence to suggest that a reduction in stabling to the adjacent building from 9 to 5 would sufficiently demonstrate that no harm would arise to future occupants, even if in non-commercial use."

Conclusion

The Council therefore remain of the view that the relationship between the agricultural building proposed for conversion and the equestrian use in close proximity to the site would make it undesirable for the agricultural building to be converted for use as a dwellinghouse in terms of its effect on the living conditions of future occupiers of the proposed dwellinghouse, having particular regard to noise and disturbance.

Yours sincerely,

Hannah Darley
Senior Planning Officer

Other matters

Please note that the application has not been considered in respect of the likely significant effects on the integrity of the Arun Valley Special Area of Conservation, the Special Protection Area and Ramsar sites. The appellant would still need to demonstrate water neutrality to carry out the proposed development. 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.

In the instance that the Inspector would grant this appeal, a list of recommended conditions below:

1. **Pre-Commencement Condition**: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:
- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is appropriately addressed in accordance with the National Planning Policy Framework.