Horsham District Council

Our ref: DC/24/1345
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Date: 3rd June 2025

Dear Neil Devereux,

APP/Z3825/W/25/3364293 **-** Hole Street Farmhouse, Hole Street, Wiston, Steyning, West Sussex, BN44 3DH

Following the submission of the appeal against the refusal of the Prior Notification for Change of use of Agricultural Building to form two dwellinghouses, the Local Planning Authority would refer the Inspector to the Delegated Report, and would like to reiterate the reasons for refusal as follows.

"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)."

The applicant has, as part of their appeal included a new structural survey by Castle Consulting Surveyors, with the appellant arguing in their statement of case that "The Officer's opinion is therefore incorrect and should be disregarded". The basis for this argument appears to be that an eaves beam is not a structural component of the barn such that its removal would not constitute works that go beyond what would reasonably be required.

Given the evident state of the barn itself at the officer site visit, the further survey would at the time of drafting the report have been considered to have aided in the assessment of the application. It is further considered that the Statement of case submission contains further information as to the composition of the barn, concrete base, Building regulation compliance, Construction drawings, supporting wall structure and roof structure that was not included within the original submission and was not apparent at the officer site visit from a visible inspection of the building. It is advanced that the initial survey report did not outline the elements of the barn that would be retained such that it was clear that the proposal wud constitute a conversion and not a replacement or predominantly new structure and pictures will be included of the barn itself to illustrate the condition of the building.

Nevertheless, the rationale within the officer's report was not solely reliant on the eaves beam being considered a structural component as advanced within the appellant's statement of case. The officer's decision had regard both to the importance of the part of the structure to be replaced and to the extent of how much of the existing building would need to be replaced to be considered a conversion and not a new structure.

In this instance, the further information submitted by the appellant outlines that new walls would be constructed to envelope the existing structure, and it is not clear if any of the roof or much of the existing structure other than foundation would be retained. No judgement is made within the survey report as to whether the existing structure would be providing any support for the new internal and

external walls and roof, such that very little of the existing building may be retained. In this sense, from a visual inspection of the roof, the roof structure would need to be replaced, new walls including both internal and external would be required and some works to the foundations would be required. The extent to which this building can be said to be converted therefore has still not been demonstrated.

Paragraph 105 of the PPG states that it is only where the existing building is structurally strong enough to take the loading which comes with the external works required that the development would benefit from the permitted development right.

Conclusion

The Council therefore remain of the view that the submission has not demonstrated that the works necessary would not go beyond what is reasonably required to convert the barn, with the submission not being convincing that the existing building is strong enough to take the loading which comes with the external work given that the existing building would appear to be enveloped by wholly new structural elements.

Yours sincerely,

Hannah Darley
Senior Planning Officer

Other matters

It is noted that the appellant has included information pertaining to Water Neutrality and a negative screening direction. The council include information within their reports for the consideration of the applicant such that the applicant is reminded that, regardless of the outcome of a prior notification application, that the development cannot be commenced until water neutrality has been demonstrated. Please note that the application itself 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. No demonstration is required at this stage, however if the appeal were to be granted, this would be required.

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.

Appendix A: Picture 1.
Missing roof structure to the left hand side visible



Picture 2. Additional wooden elements, cracks in concrete base



Pictures 3 and 4: Parts of the existing strcture have been replaced with timber supports





Pictures 5 and 6: Uneven condition of ground, concrete slab below with cracks in not fully visible




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