Supporting statement to be read in conjunction with plans and drawings for…

Prior notification application in respect of

The Old Piggery, Fryern Road, Storrington, RH20 4BJ

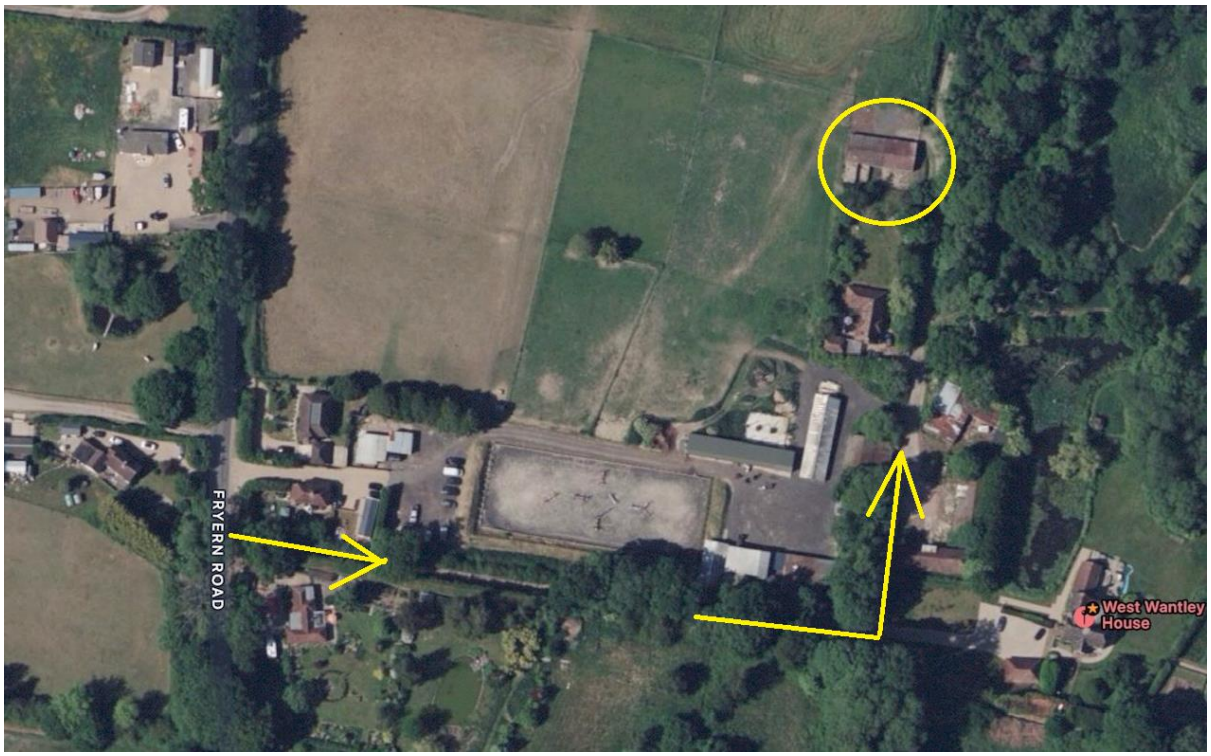
Proposed change of use from an agricultural buildings to dwelling(s) (C3 Use class).

Site and Proposal:

The agricultural barn, **circled in yellow** below, the subject of the application lies to the east of Fryern Road. Site is located within countryside but no other statutory designations. The site is within a rural area characterised by farms and individually designed dwellings.

The barn in question is not readily visible from public vantage points being screened by the adjoining mature boundary trees and hedging. The barn is acknowledged to have been last and solely used for agricultural purposes. The barn is not Listed nor within a Conservation Area.

The barn was solely in agricultural purposes as part of the wider farm holding on 20th March 2013. There have been no subsequent changes of use or non-agricultural uses of the barn.



Above - The existing agricultural barn

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Design and Development Objectives

Good quality design principles with layout, scale, form and appearance, absorbing the development in the landscape and honouring the existing character / vernacular of the existing building and the other buildings in the vicinity.

The **proposed conversion is a natural evolution in the context of the site**; the barn is well screened by the mature boundary trees and hedging along the wider field boundaries.

Planning history

The barn to be converted together with the proposed red line curtilage area remains last in agricultural use in connection with the wider agricultural holding.

Appeal Ref: APP/Z3825/W/20/3250265 decision date: 02 September 2020

The Old Piggery, Fryern Road, Storrington RH20 4BJ
• The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
• The appeal is made by Mrs J Meed against the decision of Horsham District Council.
• The application Ref DC/19/2433, dated 3 December 2019, was refused by notice dated 30 January 2020.
• The development proposed is conversion and alteration/extension of a barn to form a dwelling.

Relevant extracts from appeal decision in italics below – COMMENTS added

Site and proposal
3. The appeal site is located to the east of Fryern Road outside of any defined built-up area boundary and within the countryside. It is accessed via an unmade track, which also serves other development, and comprises an existing barn that has previously been used for agricultural purposes. Based on the evidence before me the site is not allocated for development. The proposal is for the conversion and alteration/extension of the barn to form a dwelling.

COMMENTS – It is common ground that the barn qualifies as having been used for agricultural purposes.

Character and appearance
16. The existing barn is of a style and type that is typical of a rural area; being open sided to the front and built as a functional structure for agricultural purposes. Although located to the north of a cluster of other buildings it is mainly surrounded by open fields to the west and north and a dense mature wooded area to the east. Taking into account its form and location, the building and site positively contribute to the distinctive rural character and appearance of the area.

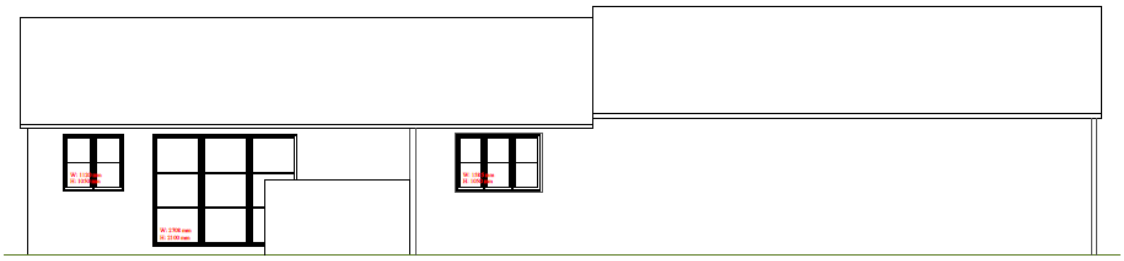
17. The proposal to convert the barn to a dwelling, with its porch, bi-fold doors and windows, would result in a building with domestic features. The conversion works would include the reconstruction of some external walls, the replacement of the roof covering with plain clay tiles and a pitched roof extension to the rear within the existing old piggery walls. Thus, as a result of the proposal, the form of the existing structure would be significantly altered so that it would appear residential in character.

19. Consequently, notwithstanding the appellant's intention to use reclaimed materials where possible, overall, the proposed development, in this case, would not be sympathetic to the rural character and appearance of the site and its surroundings.

COMMENTS – The design criticism has been addressed with the revised application. The proposal now forms a simple conversion with no extensions.

As confirmed by the proposed plans below window detailing have been kept traditional. The western end of the barn is fully enclosed and of robust construction such that it is readily capable of conversion. The eastern end of the barn is more open and would be used for garaging.

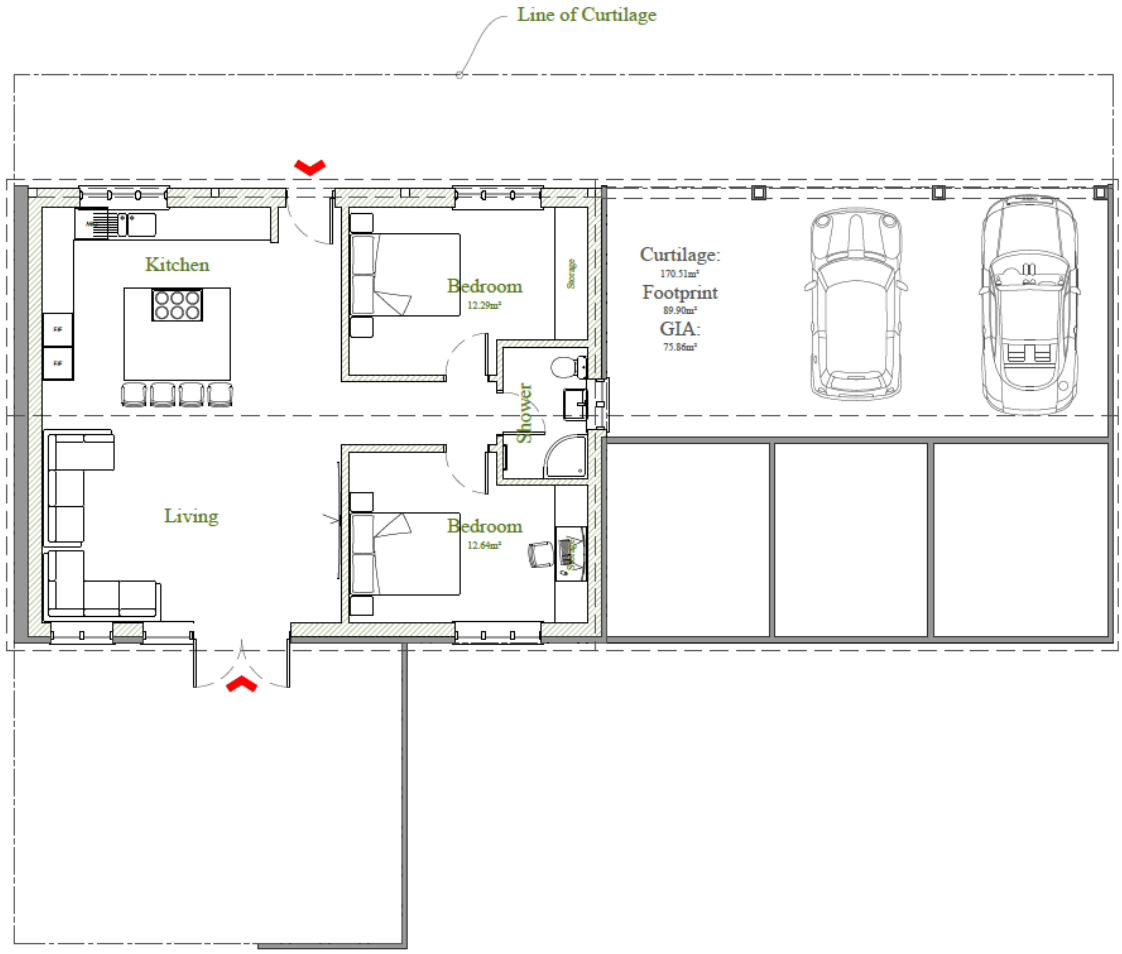
The roof area of the barn provides sufficient area for rainwater harvesting as confirmed by the submitted Water Neutrality statement.



South
1:100 | PROPOSED



North
1:100 | PROPOSED



Assessment against permitted development criteria

2015 No. 596
TOWN AND COUNTRY PLANNING, ENGLAND
The Town and Country Planning (General Permitted Development) (England) Order 2015
Made - - - - 18th March 2015
Laid before Parliament 24th March 2015
Coming into force - - 15th April 2015

Including changes from 6th April 2018

Class Q – agricultural buildings to dwellinghouses

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

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(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, **Criteria met**

(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, **Criteria met** 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;

"(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; **Criteria met**

(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; **Criteria met**

(c)in the case of—

(i)a smaller dwellinghouse, within an established agricultural unit— **Criteria met**

(aa)the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; **Criteria met** 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; **Criteria met**

(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; , **Criteria met**

(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; **Criteria met**

(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, **Not applicable**

(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; **Not applicable**

(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 **Not applicable**

(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; **Not applicable**

(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; **Criteria met**

(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, **Criteria met**
(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; **Criteria met**
(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i); **Criteria met**
(j) the site is on article 2(3) land; **Not applicable**
(k) the site is, or forms part of—
(i) a site of special scientific interest; **Not applicable**
(ii) a safety hazard area; **Not applicable**
(iii) a military explosives storage area; **Not applicable**
(l) the site is, or contains, a scheduled monument; **Not applicable**
(m) the building is a listed building. **Not applicable**

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,

Transport Statement – as regards transport implications / assessment the proposed development is likely to lead to a net reduction in vehicle movements when comparing the existing use to the proposed use. No transport mitigation impacts required.

(b) noise impacts of the development,

Noise Statement - The proposed development is well located in relation to adjacent residential dwellings. In any event any noise impacts in relation to residential accommodation on the site would be less than the equivalent agricultural activity with associated commercial vehicle movements. No remediation measures proposed or required.

So as to comply with building regulations and meet the current Part L requirements the level of thermal insulation required within the building will provide significant acoustic insulation. Additional insulation can be used to provide further acoustic properties if required.

(c) contamination risks on the site,

Contamination Statement – On the basis that it is confirmed that the barn has only been previously used for the keeping of livestock, storage of hay, feed and agricultural plant there would be no contamination issues arising. No remediation measures proposed or required.

No further work is required relating to ground conditions / contamination at the site, for its proposed conversion.

(d) flooding risks on the site,

Flood Risk Assessment - The proposed development lies outside any area subject to flood risk as such flooding would not be an issue. In any event the impacts in relation to flooding would be no greater than the existing agricultural use. No remediation measures proposed or required.

(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

This new permitted development initiative recently introduced by the government is clearly in support of the 2012 National Planning Policy Framework which seeks to promote and support economic growth in rural areas and promote the development and diversification of agriculture.

Comments: Additional guidance dated 5th March 2015 has been issued on the National Planning Policy Guidance website and reproduced below to confirm that the the prior approval conversion of agricultural buildings permitted development right does not apply a test in relation to sustainability of location.
http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/permitted-development-rights-for-the-change-of-use-of-agricultural-buildings/
Paragraph: 108 Reference ID: 13-108-20150305

Is there a sustainability prior approval for the change to residential use?

The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

Revision date: 05 03 2015

Paragraph: 109 Reference ID: 13-109-20150305

What is meant by impractical or undesirable for the change to residential use?

Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. **That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.**

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant. Revision date: 05 03 2015

The Department for Communities and Local Government Report on responses to the consultation regarding 'Greater flexibilities for change of use' dated March 2014 confirmed with regard to the sustainability of locations that (emphasis added)…

"24. The government considers that the prior approval with regard to siting and design **provides sufficient safeguards to ensure that development only takes place in sustainable locations** and any physical works are appropriate to the surrounding area. To further ensure historic barns are not lost it has also decided not to allow total demolition and new build, although limited physical alterations necessary to enable the change of use will be permitted. Recognising that many agricultural units may be substantial in size the regulation will allow up to three dwellinghouses to be created, within a total maximum size of 450 m2 on an agricultural unit. **This will better support sympathetic conversion and maximise the flexibility of this new right**".

- The proposed residential accommodation would fit in well with the existing context;
- The proposed residential barn conversion is to a rurally appropriate design with a contemporary glazed twist. The proposed development will assimilate well into the existing context; choice of materials for the proposed conversions have taken account of the surroundings.
- The volume, bulk and massing of the building will remain the same – no extensions are proposed as part of the application.
- The applicant is happy to work with the Council in discussing any detailing and materials to the proposed dwelling and / or its proposed curtilage garden areas, boundary treatment etc… as an integral part of the Prior Notification application;

- The existing agricultural building would create well-proportioned residential accommodation as highlighted on the proposed plans;

- the Council are obliged to maintain a 5 year Housing land supply and as such the proposed development and conversion, **with the support of this new Government application route**, will incrementally and pragmatically assist in the provision of much needed additional rural housing and reducing pressure for new Housing development on previously undeveloped land;

- Through the Government's New Homes Bonus the permitting of the scheme will enable the government to automatically match the Council tax payments for a period of 6 years for each new home built to contribute towards to increased services that would be required.

- The site represents economic, social and environmentally sustainable development.

(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 proposed elevations have taken their lead from other permitted barn conversions in the vicinity and as such the proposed drawings result in a rurally appropriate appearance that has been accepted within the Council's administrative area to respect the rural character and appearance of the area together with the character and appearance of the other residential buildings in the area. This serves to address the Council's interpretation that, *"The NPPF states that it is proper to seek to promote or reinforce local distinctiveness (paragraph 60)"* and also highlights that it is important for the Council to ***'not be over prescriptive'***

- The design is considered to be of merit and has been given detailed consideration so as to harmonise with the more traditional rural dwellings in the immediate vicinity of the site. Notwithstanding, that the proposal represents an innovative conversion there is no requirement for the design to be considered of exceptional quality or sufficiently innovative to be outstanding. The test that is made out is one of sympathetic conversion as opposed to exemplar conversion and as such that part of paragraph 55 is of less relevance. This is made clear by the clarification in the Department for Communities and Local Government Report on responses to the consultation regarding 'Greater flexibilities for change of use' dated March 2014 confirmed with regard to the sustainability of locations that (emphasis added)…

"24. The government considers that the prior approval with regard to siting and design **provides sufficient safeguards to ensure that development only takes place in sustainable locations** and any physical works are appropriate to the surrounding area. To further ensure historic barns are not lost it has also decided not to allow total demolition and new build, although limited physical alterations necessary to enable the change of use will be permitted. Recognising that many agricultural units may be substantial in size the regulation will allow up to three

dwellinghouses to be created, within a total maximum size of 450 m2 on an agricultural unit. **This will better support sympathetic conversion and maximise the flexibility of this new right**".

- *Explanatory Memorandum to the legislation states that local planning authorities must only consider the NPPF to the extent that it is relevant to the matter on which Prior Approval is sought.*
- *Paragraph 55 relates to new isolated dwellings in the countryside. Paragraphs 60 and 61 relate to design. Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances, one of which being where development in rural areas would re-use redundant or disused buildings and lead to an enhancement to the immediate setting, or the design is of an exceptional quality or sufficiently innovative or to be outstanding or raise the standards of design more generally in the area. Paragraph 61 states that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.*

- The extent to which paragraph 55 is relevant and the proposed dwellings would achieve is the achievement of the promotion of 'sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'.

- Further evidence of the Government's intent is provided by the additional recently adopted changes to prior approval guidance which include the conversion of B8 warehouse premises (many of which will bear design resembles to more modern utilitarian, rural buildings with shallower pitch roofs as opposed to older more traditional barns) to dwellings under the same route as already permissible through prior notification for agricultural, shops and offices.

(2) Where the development proposed is development under Class Q(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application. **Noted**

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date. **Noted**

Plans - A location plan, site plan, elevation and floor plans are included to assist with the determination of the application.

"**Interpretation of Class Q**

Q.3. For the purposes of Class Q—

"larger dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

"smaller dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.".

The development must not begin before the occurrence of one of the following—
(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
(c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Interpretation of Part 3
X. For the purposes of Part 3—
"agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses;

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;

"established agricultural unit" means agricultural land occupied as a unit for the purposes of Agriculture.

Conclusion:

The proposed development meets each of the applicable Class Q criteria.

The proposed development will retain the existing built envelope to the barn and will maintain and enhance the existing character of the barn.

The proposed development will integrate well by following the style and maintaining the dimensions of the existing building.

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The proposed development will not change the scale of the existing premises nor extend beyond the existing principal building into open land or have a significant adverse effect on the appearance of the countryside.

In any reasonable balancing exercise it can be concluded that the relationship of the proposed development to its neighbours and to the character and appearance of its setting will be not be materially different to the status quo. The proposed development has been sympathetically designed so respect the existing context.

Thank you in advance of your balanced consideration of the proposed application.

In advance of any decision on the application, please maintain a dialogue with myself and the applicants if you have any questions, concerns or matters that require further elaboration.

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