The Planning Inspectorate

Appeal Decision

Site visit made on 24 May 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 24th June 2019

Appeal Ref: APP/Z3825/W/18/3211612
Cart Shed, Court Farm, West Chiltington Lane, Coneyhurst, Billingshurst RH14 9DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Court Farms Ltd against the decision of Horsham District Council.
- The application Ref DC/18/1020, dated 1 May 2018, was refused by notice dated 16th July 2018.
- The development proposed is change of use of agricultural building to a dwelling house (forming one unit Class C3).

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for change of use of agricultural building to a dwelling house (forming one unit Class C3) at Cart Shed, Court Farm, West Chiltington Lane, Coneyhurst, Billingshurst RH14 9DL in accordance with the terms of the application DC/18/1020, dated 1 May 2018, and the plans submitted with it, subject to the attached schedule of conditions.

Main Issue

2. The main issue in this appeal is whether the development would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse.

Reasons

3. The appeal building is a predominantly open-sided barn on a brick plinth with a substantial pegged timber frame, timber cladding and a corrugated metal roof. The southern elevation is fully enclosed and incorporates Perspex and metal sheeting above a short brick wall.

4. The proposed development would replace the existing roof covering with a slate roof, remove the existing weather boarding and re-clad with new weather boarding to all sides incorporating new doors and windows. The floor would be dug out and a new insulated floor laid. The foundations would not require any works.

Schedule of conditions

1) No development shall commence until 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) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

   Any changes to these components require the express consent of the Local Planning Authority. The Scheme shall be implemented as approved.

2) Prior to first occupation of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in condition 1) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

3) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.