Horsham District Council

Our ref: DC/24/0655
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Date: 7th February 2025

Dear Caroline Harvey,

APP/Z3825/W/24/3356862- Brighthams Farm, Bines Road, Partridge Green, West Sussex RH13 8EQ

Following the submission of the appeal against the refusal of the Prior Notification for Change of Use of Agricultural Building to a single dwelling house, the Local Planning Authority would like to respond to the appellant statement of case, refer the Inspector to the Delegated Report, and would like to reiterate the reason for refusal as follows.

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

The appellant within their appeal statement has not sought to reiterate the planning history of the site, description or details of the proposal. As such, the statement of case appears to consider the development against the requirements of Class Q and to seek to address the reason for refusal given the different conclusions drawn by the Planning officer and the appellant.

The purpose of this written representation is not to reiterate the reasoning within the Planning Officer's delegated report but to respond to the Appellant statement of case. In this instance, Paragraph 3.14 of the appellant's statement of case outlines that it is submitted with additional supporting information from the Structural Engineer, dated 25 November 2024. It goes on to reflect the original structural report outlined as part of the application.

In the opinion of the Planning officer, the additional information from the Structural Engineer submitted as part of the appellant's statement does not cover all the works required for a conversion of the building such that it can function as a dwellinghouse. It is noted that the statement of case outlines a list of works required to convert the barn to a dwellinghouse, however this does not appear to be based on the structural survey they have submitted. Whilst the structural survey was considered as part of the assessment of the development in respect of Class Q, the conclusion drawn that the building would not require strengthening to support a lightweight roof does not accurately reflect the dilapidated state of the building. The Planning officer would like to note that whilst the structural survey appears to note that the condition of the trusses and their capability to support a lightweight structure, structural components of a building are not limited to trusses alone and residential development is likely to require more than a lightweight roof structure. The

appellant's statement of case is not considered to satisfactorily outline that the works necessary for conversion would not require new structural elements.

The structural survey would be given more weight in the officer's decision making at the time of drafting the officer's report if the condition of the building outlined within the structural survey reflected the findings from the officer's site visit. Given the difference between what is portrayed within the survey and the state of dilapidation of the building found on the date of the site visit, it is the opinion of the Local Planning Authority that the development would go beyond what can reasonably be considered a conversion under Class Q. An appendix (a) with some photographic evidence will be attached to this written representation to outline both the additional and replacement timber supports and pallets attached to the interior of the structure to support some of the existing structural components.

It is indeed necessary that the local planning authority does not impose unnecessarily onerous requirements on developers. Where it is evident from observation that the building would not be capable of functioning as a dwelling and would require new structural elements, it would of course be necessary to question if the building is structurally sound enough to bear the loading from the external network and internal walls and partitions. Particularly when it is not clear which structural supports would be retained and which would be removed. The Appellants statement highlights the calculations submitted and these are acknowledged, but it is maintained that it is not clear from these calculations if the existing building is capable of converting to a dwellinghouse without new structural components. Furthermore, the Appellants statement highlights that the Planning Officer does not have structural surveyor accreditation with the implication that without this accreditation there should be less weight attributed to an officer's assessment of the condition of the barn compared to an accredited surveyor. The Planning officer makes no claim to be a surveyor and it is noted that there are no provisions within the PPG that requires Planning officer's to have such a qualification such that it is considered that local authorities are capable of making assessments with respect to the requirements of Class Q without the expectation of these additional officer qualifications. Additionally, the permitted development right assumes that the building is already capable of conversion without substantial reconstruction, however it is not clear from what was submitted what structural elements would be retained and which would need to be changed for a conversion and the surveyor had no regard to Class Q requirements in their assessment.

Conclusion

The Council therefore remain of the view that the scheme as submitted would be contrary to the requirement of Q.1(j) of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, should the Inspector be minded to approve the appeal, please consider this list of suggested Conditions below.

Yours sincerely,

Hannah Darley
Senior Planning Officer

Conditions

Pre-Commencement Condition: Prior to the commencement of development approved by this planning permission, 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."

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.

Appendix A officer Site pictures



Picture A (referred to as a car port in Proposed plan reference “PL02 Rev B)



Picture B (The main part of the barn proposed for conversion)



Picture C (Interior roof with timber replacement of steel supports)



Picture D (Interior wall with timber beams to support existing structure)



Picture E (Existing internal structure)



Picture F (Internal elevation)



Picture G (what appears to be a dirt foundation)



Pictures H and I (Internal picture of timbers added to support eaves steels)