

Workshop, Hales Barn Farm, Aldingbourne

Part 20, Class ZA Application for Prior Approval – Demolition of Class B1(c) (Light Industrial) and construction of new dwellinghouse in its place.



Planning Statement

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1.0 INTRODUCTION

1.1 Please find enclosed on behalf of my client, Mrs J Shurey, an application for Prior Approval of Proposed Demolition of Class B1(c) (light industrial) building and construction of a new dwellinghouse in its place under Part 20, Class ZA of The Town and Country Planning (General Permitted Development) (England) Order 2015 which was inserted by SI 2020 No 756 that came into force at 10am on 31th August 2020.

1.2 In accordance with the Fee Regulations, the fee is £334.

1.3 The description for the development, as required under Part 20,B(1A)(a).

"Demolition of workshop and construction of 1no 2 storey dwelling in its place - to include disconnection of existing electricity and water supply; removal of any old waste from the existing building; works associated with the installation of an air source heat pump and for the installation of services [water, electric, sewage and telephone / broadband] to new building; provision of access to and egress from the new building; and the use of scaffolding to support all demolition and building operations."

1.4 Although not coming into force until 6th April 2021 the **new** Articles 3(9A) and 3(9B) of the GPDO set out that the GPDO does **not** grant permission for "any new dwellinghouse": 1) where the "gross internal floor area" is less than 37m²; or 2) that does not comply with the "nationally described space standard".

1.5 I can confirm that the gross internal floor space of the proposed new dwellinghouse is more than 37 sq m and that the room sizes comply with the "the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015". The sizes of each room are set out on the proposed floor plan drawing.

2.0 SITE CONTEXT

2.1 Hales Barn Farm is a large converted barn located a short distance to the south of the A27(T), approximately a mile west of the village of Fontwell.

2.2 The land holding comprising Hales Barn Farm is some 10.52 hectares [26 acres] in size with the main dwelling and fields to the north of the central east-west track and a long linear parcel of land south of the track.

2.3 The building the subject of this prior approval application lies on the south side of the access track and to the west of the larger atcost

barn.

- 2.4 The building has been in non-agricultural use since at least 1990, first for the repair of classic cars and then since 1997 as a carpentry workshop.
- 2.5 This historic use was accepted by the LPA in the evidence supporting a Part 3, Class PA prior approval application submitted earlier this year wherein the letter at Appendix 2 of the Planning Statement supporting that application confirmed that last use of the building as a workshop ceased at the end of the financial year 2014/5.

3.0 BACKGROUND TO PART 20, Class ZA

- 3.1 The 2018 consultation *Planning reform: Supporting the high street and increasing the delivery of new homes* invited views on the potential scope of a right that would allow for demolition and rebuild as residential and committed to consult in future on the detail. The Secretary of State announced on 12 March 2020 in *Planning for the future* that the government would consult on the detail of a proposed right which would allow “vacant commercial buildings, industrial buildings and residential blocks to be demolished and replaced with well-designed new residential units which meet natural light standards”.
- 3.2 The Explanatory Note to the SI makes clear that to stimulate regeneration of our towns and cities and deliver additional homes more easily as part of the Government’s response to the Covid-19 pandemic, that right is now being brought forward at pace and without further consultation on the detail of the right. The Covid-19 pandemic has resulted in a downturn in the rate of construction and a reduction in planning applications. In his 30 June 2020 economy speech, the Prime Minister announced a package of radical planning reform. The accompanying No 10 press release (PM: Build, build build) set out the Government’s ambitions that “builders will no longer need a normal planning application to demolish and rebuild vacant and redundant residential and commercial buildings if they are rebuilt as homes”. The right will support businesses and wider economic recovery by removing the red tape associated with making planning applications and will speed up the delivery of additional new homes. The new right came into force on 31 August 2020.
- 3.3 The aim of the new right is to support regeneration through the residential redevelopment of vacant and redundant buildings that no longer effectively serve their original purpose, support housing delivery and boost housing density. It supports key Government priorities and national policy to boost housing delivery and increase densities by making effective use of previously developed land and avoiding the need to develop greenfield sites.

4 ASSESSMENT AGAINST PART 20, CLASS ZA(1) PROVISIONS

- 4.1 The development permitted under Part 20 includes the current proposal, namely:

Class ZA Demolition of buildings and construction of new dwellinghouses in their place

Permitted development

ZA.—(1) Development consisting of works for the demolition of one or other of—

(a) any building comprising a single purpose-built detached block of flats, and

(b) any other single detached building, comprising premises established—

(i) for office use falling within Class B1(a) of the Schedule to the 1987 Order,

(ii) for research and development falling within Class B1(b) of the Schedule to the 1987 Order, or

(iii) for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order, or for any combination of them,

existing on 12 March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).

- 4.2 The subject building is a detached building located to the south of the owners property, Hales Barn Farm.
- 4.3 As set out in Chapter 2 above the LPA have accepted the historic use of the building as a workshop [B1(c)] ceased in April 2015 and has remained unused since that date.
- 4.4 On the basis of this previously accepted evidence it is plain beyond peradventure that the subject building comprises a single detached building comprising premises established for an industrial process falling within Class B1(c) of the 1987 Order and was existing on 12 March 2020. It is proposed to be replaced with a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).
- 4.5 Accordingly, it is clear that it falls within ZA(1)(b)(iii).

ZA. -(2) The building in question is to comprise one or other of—

- (a) a purpose-built detached block of flats, or**
- (b) a purpose-built detached dwellinghouse.**

- 4.6 The building proposed will comprise a purpose-built detached dwellinghouse. ZA(2) is therefore satisfied.

ZA. -(3) The operations in question are—

- (a) operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;**
- (b) works for the removal of plant servicing the old building;**
- (c) works for the disconnection of services from the old building;**
- (d) works for the removal of any means of access to and egress from the old building;**
- (e) works for the removal of storage and waste from the old building;**
- (f) works for the installation of plant to service the new building;**
- (g) works for the installation of services to be connected to the new building;**
- (h) works to enable access to and egress from the new building, including means of escape from fire;**
- (i) works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;**
- (j) the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period—**
 - (i) starting with their installation no earlier than one month before the beginning of those operations, and**
 - (ii) ending with their removal no later than one month after the completion of those operations.**

- 4.7 ZA.-(3) sets out a number of provisos for the operational development associated with the permitted development rights and each of these is dealt with below:

- (a) There is no cellar in the existing or proposed building. The operations are limited to those which are reasonably necessary for the demolition of the existing building and the construction of the new one.
- (b) There is no plant servicing the old building.
- (c) Electricity and water will be disconnected from the existing building.
- (d) The means of access to and egress from the old building will remain.

- (e) Any storage of items remaining from its previous use along with any left over waste items will be removed.
- (f) Plant to service the new building will be limited to an air source heat pump, the exact position of which is yet to be decided.
- (g) Works to connect services to the new building will include the provision of new supplies of water, electricity, sewage and telephone/broadband.
- (h) Works to enable disabled access to the new building will be provided. No special arrangements need to be made for means of escape for fire. First floor windows to bedrooms will have a means of escape window opening.
- (i) No such facilities are required for a single dwelling.
- (j) Scaffolding will be required for the operations listed in paragraphs (a) to (i) and will be installed no earlier than one month before the beginning of those operations, and removed no later than one month after the completion of those operations.

4.8 Accordingly, it is clear that all of the proposed operations will fall within ZA(3)(a) to (j).

5.0 PART CLASS ZA – ASSESSMENT OF PROPOSED DEVELOPMENT

CLASS ZA.1 REQUIREMENTS:

- 5.1 Class PZA1 sets out a number of scenarios and thresholds (a) – (m) whereby development is not permitted under this Part.
- 5.2 In order to assure the Council that the proposal is permitted development in this context, I have assessed the proposal against all of these criteria.
- 5.3 I consider each of the relevant criteria in turn below.
- 5.4 In this regard the GPDO provisions make clear that Development is not permitted if:

- (a) if land covered by, or within the curtilage of, the old building—**
 - (i) is occupied in any part under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;**
 - (ii) is or forms part of article 2(3) land;**
 - (iii) is or forms part of a site of special scientific interest;**

***(iv) is or forms part of a listed building or land within its curtilage;
(v) is or forms part of a scheduled monument or land within its curtilage;
(vi) is or forms part of a safety hazard area;
(vii) is or forms part of a military explosives storage area; or
(viii) is within 3 kilometres of the perimeter of an aerodrome;***

5.5 None of these criteria apply to the prior approval site.

(b) The if the old building was constructed after 31 December 1989;

5.6 The exact date of the construction of the building is not known but it certainly predates the early 1980s.

(c) if the footprint of the old building exceeds 1,000 square metres;

5.7 The footprint of the old building is 160 sq m.

(d) if the height of the highest part of the roof of the old building above ground level (not including plant, radio masts and antennae) is greater than 18 metres at any point;

5.8 The highest part of the old building, subject to this notification, is 4.30m.

(e) unless the old building has been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval;

5.9 The old building has been vacant for more than six months – since the end of April 1995 - as confirmed in the letter from the owner in the previous application.

(f) if the old building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support (and for this purpose keeping the old building vacant does not of itself count as action or inaction);

5.10 The old building has not been rendered unsafe.

(g) If the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area);

5.11 The site is not located in a Conservation Area.

(h) If any of the footprint of the new building falls outside the footprint of the old building;

5.12 The exterior walls of the new building do not go beyond the position of the exterior walls of the existing building.

(i) If any part of the exterior wall of the new building nearest to a highway is nearer to the highway than the part nearest the highway of the exterior wall nearest the highway of the old building;

5.13 The exterior walls of the new building are no closer to any highway than the exterior walls of the existing building.

(j) If the height (not including plant, radio masts and antennae) of the new building would at any point exceed the lower of—

(i) 7 metres above the height (not including plant) of old building; or

(ii) 18 metres, above ground level;

5.14 The height of the old building is 4.30m and the height of the new building is 7.40m, a difference of 3.1m.

(k) if the new building has more than $X + 2$ storeys, where "X" is the number of storeys in the old building;

5.15 The existing building has 1 storey and the new building 2 storeys [ie $X + 1$] in compliance with this requirement.

(l) if the new building has more storeys than the old building and the floor to ceiling height of any additional storey in the new building, measured internally, would at any point be greater than the lower of—

(i) the floor to ceiling height, measured internally, of any storey in the old building; or

(ii) 3 metres;

- 5.16 The floor to ceiling height of the old building is 4.1m and the floor to ceiling height of each storey in the new building is 2.4m.

(m) if the height of any plant on the roof of the new building as measured from the lowest surface of that roof would be greater than the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the old building.

- 5.17 There will be no plant on the roof of the new building.

CLASS ZA.2 - CONDITIONS

- 5.18 Class ZA.2 (1) makes clear that Class ZA development is permitted subject to conditions (2) to (9).

- 5.19 The conditions set out in ZA.2(2) are as follows:

ZA.2 (1) Where any development under Class ZA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) Transport and highways impacts of the development

- 5.20 The proposal is for 1no four bedroomed dwelling which will give rise to minimal traffic movements on local roads.
- 5.21 This use will generate similar vehicle movements than that which could arise under the historic Class B1 use.
- 5.22 There will be no new access, the existing access being utilised, and the dwelling will be provided with 3no parking spaces to the front of the property. A shed for the secure parking of 4no cycles will also be provided in the future.
- 5.23 On the issue of sustainability, Government advice on the portal at Reference ID: 13-108-20150305 is relevant. It states:

"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."

- 5.24 On this basis the issue of whether or not the site is in a sustainable location is irrelevant.

b) Contamination risks in relation to the building

- 5.25 Historically the building has been in use for light industrial purposes. The building has a concrete slab with no evidence of contamination. As such there is no record of any activities that are likely to have generated contamination. No remediation measures proposed or required.

(c) Flooding risks in relation to the building

- 5.26 All of the site is within Flood Zone 1. Flood risk is therefore not an issue.

(d) the design of the new building

- 5.27 The design of the new building has drawn on the style of the existing converted barns to the north of the site in order to provide a building of an appropriate design, namely a rural cottage style.

(e) the external appearance of the new building;

- 5.28 The building will have red stock brick walls with the roof being finished in slate. The materials are a considerable improvement over the existing profiled metal sheeting used for the walls and roof of the existing building.

(f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;

- 5.29 All habitable rooms in the new building will have high levels of natural light.

(g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;

- 5.30 There is are no immediate adjoining residential properties.

(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

- 5.31 The farm remains in farming use but is low key and there are no intensive agricultural operations in the vicinity of the application site. The new dwelling has been designed so that all windows will be facing north and south away from the agricultural building to the east.

(i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;

- 5.32 It is not considered that the introduction of a new residential use in this location will cause any harm to any businesses.

(j) the impact of the development on heritage and archaeology;

- 5.33 The submitted Heritage Statement concludes that there are no listed building and no known archaeological assets in the vicinity of the application site.

(k) The method of demolition of the old building

- 5.34 The demolition will be achieved with the removal of the metal sheeting roof. Then the metal sheeting and timber boarded walls will be removed. Finally, the concrete slab will be broken up, crushed on site and then reused to provide the hardcore base for the new building.

(l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees;

- 5.35 No new planting is proposed. The outside land to the south of the existing building will remain as grass. However, any areas within the footprint of the existing building but not covered by the new dwellinghouse will be seeded with meadow grass.

(m) any—

- (i) air traffic and defence asset impacts of the development, and**
- (ii) impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State,**

unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

- 5.36 This paragraph is not considered to be relevant.

Part B - Procedure for applications for prior approval under Part 20

- 5.37 ZA.2(4) makes clear that when the developer applies under sub-paragraph (2), paragraph B (procedure for applications for prior approval under Part 20) applies to the application and the material covered by paragraph B(1A) to B(1C). Criteria (b), (c) and (d) require further comment.

(b) a plan, drawn to an identified scale and showing the direction of North, indicating the site of the proposed development;

(c) drawings prepared to an identified scale and showing external dimensions and elevations of—

(i) the building proposed for demolition,

(ii) the building scheduled as replacement,

and, in the direction of North, the positioning of each, together with the applicable information called for by sub-paragraph (1B);

(1B) The information referred to in sub-paragraph (1A)(c), which so far as practicable, is to be presented in the direction of North and to show elevations is—

(b) where the building proposed as replacement is a single dwellinghouse—

(i) the position and dimensions of the windows, doors and walls in it, and

(ii) the dimensions and use of all habitable and other rooms in it.

- 5.38 The submitted drawings provide all of this required information.

d) a written statement specifying—

(i) the number of dwellinghouses in the building proposed for demolition, and

(ii) the number of new dwellinghouses proposed in the building proposed as replacement,

- 5.39 There are no dwellinghouses in the building to be demolished and there will be one dwellinghouse in the new building.

6 CONCLUSIONS

- 6.1 The detailed assessment which I have undertaken above confirms that the proposed development complies with the criteria and conditions as set out in Part 20, Class ZA – ZA; ZA1; ZA.2 and B of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
- 6.2 It is stated Government policy that LPAs should take a pro-active approach to such applications in order to foster economic growth and to meet the needs of an acute national housing shortage.
- 6.3 I trust that officers will adopt a pro-active approach to this application which, I submit, clearly falls within the provisions of Class 20, Part ZA and is reasonable on all counts.
- 6.4 Prior Approval under Part 20, Class ZA should therefore be granted.