

The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014

Permitted development

MB. Development consisting of—

(a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and

(b) 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

MB.1. Development is not permitted by Class MB where—

(a) the site was not used solely for an agricultural use, as part of an established agricultural unit—

(i) on 20th March 2013; **The site was redundant agricultural on 20 March 2013.**

(ii) if the site was not in use on that date, when it was last in use; **The site was last used for agricultural purposes. or**

(iii) if the site was brought into use after that date, for ten years before the date the development begins; **N/A.**

(b) the cumulative floor space of the existing building or buildings changing use under Class MB within an established agricultural unit exceeds 450 square metres; **N/A, the building (known as East Barn) will utilise 200 square metres of the run of farm buildings. Two other buildings (known as North and West Barns) have recently been granted a no prior approval require determination; they total 242 square metres, therefore the total of all 3 residences will total 442 square metres.**

(c) the cumulative number of separate dwellinghouses developed within an established agricultural unit exceeds three; **This application plus the application for North and West barns brings the cumulative total to three.**

(d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; **N/A, there is no Agricultural tenancy.**

(e) less than one year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, **N/A, there has never been an agricultural tenancy.** and

(ii) the termination was for the purpose of carrying out development under Class MB, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use; **N/A.**

(f) 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 since 20th March 2013, or within 10 years before the date development under Class MB begins, whichever is the lesser; **N/A, none carried out within 10 years (if ever).**

(g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point; **N/A, No extensions are proposed.**

(h) the development (together with any previous development under Class MB) would result in more than 450 square metres of floor space of building or buildings within an established agricultural unit having changed use under Class MB; **No other changes of use have been applied for under Class MB on our established agricultural unit.**

(i) the development under Class MB(b) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, **Which it does not.** or

(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; **Which it does not.** and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph MB.1(i)(i);

(j) the site is on article 1(5) land; **Which it is not.**

(k) the site is or forms part of—

(i) a site of special scientific interest; **Which it is not.**

(ii) a safety hazard area; **Which it is not.**

(iii) a military explosives storage area; **Which it is not.**

(l) the site is, or contains, a scheduled monument; **Which it is not.**

(m) the building is a listed building. **Which it is not.**

Conditions

MB.2 (1) Class MB(a) development is permitted subject to the condition that before beginning the development, the developer shall 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,

The proposal to change East Barn from agricultural to residential at the Old Piggery has been considered by ourselves;

There is an existing access onto Climping Street. Agricultural use requires large vehicles at differing times of the day, it is highly probable that there will be a net reduction in the movements and vehicle form and acoustics associated with an agricultural use. The existing entrance has a visibility splay in excess of 100 metres in either direction and was assessed by WSxCC highways when consulted on CM/11/07 to which they raised no objection.

The car parking arrangements will be as shown on the attached plan, taking place to the West of the building within the site's existing curtilage. Our desktop study of the site showed there to be sufficient space within the site which could be used for parking and turning, there will be no detrimental impact on the highway network through offsite parking.

Climping Street currently has a speed restriction of 30mph, this is subject to a current public consultation to further reduce this to 20mph.

We have recently met with Mr Burrell and previously with Mr Gledhill, both from West Sussex County Council Highways department, both were content that the existing access arrangements were suitable.

✓ (b) noise impacts of the development,

The site has evolved with adjacent residences and businesses and a highway in very close proximity. The pair of cottages immediately adjacent to the South of the Old Piggery site are semi-detached, the occupants being well accustomed to the quiet informal nature of living in close proximity to residential neighbours. At its closest point East Barn is around 63 metres distant from the closest residence. We consider if any minimal noise is produced it will be immaterial.

✓ (c) contamination risks on the site,

The site has had no hazardous uses or processes that would lead to a contamination risk. The building has an Asbestos cement board roof, this will be removed by licenced contractors and removed from the site.

(d) flooding risks on the site,

✓ According to the Environment Agency's own flood risk mapping, the site is entirely within Flood Zone 1, plan attached. I confirm that the site has no history of flooding and there are no critical drainage problems in the locality. or

(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, **We consider that the location and siting of the building makes it practical and desirable for the building to change from agricultural use to a use falling within Class C3.**

and the provisions of paragraph N of this Part shall apply in relation to any such application.

Paragraph N

(1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application shall be accompanied by—

- ✓ (a) a written description of the proposed development; **A Change of Use from an agricultural building to residential.**
- ← (b) a plan indicating the site and showing the proposed development; **Is attached.**
- ✓ (c) the developer's contact address; **No 2 Atherington Cottages, The Street, Climping, Littlehampton BN17 5RN** and
- ✓ (d) the developer's email address if the developer is content to receive communications electronically; [REDACTED]
- ✓ together with any fee required to be paid. **ADC Prior Notifications Fee £80 is enclosed.**

(3) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority shall consult—

This Change of Use is not likely to result in a material increase there will be a material change in the character of traffic in the vicinity of the site as tractors and other farm machinery have a greater impact than those associated with residential use.

(a) the Secretary of State for Transport, where the increase or change relates to traffic entering or leaving a trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(4) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority shall consult the Environment Agency where the development is—

✓ **The site is in an area within Flood Zone 1 which has NO critical drainage problems nor any history of flooding.**

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (ze)(ii) in the Table in Schedule 5 to the 2010 Order.

(5) The local planning authority shall notify the consultees referred to in paragraphs (3) and (4) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(6) The local planning authority shall give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form on any adjoining owner or occupier.

(7) The local planning authority may require the developer to submit such information regarding the impacts and risks referred to in paragraph J.2, K.2(b) or M.3(b), as the case may be, as the local planning authority may reasonably require in order to determine the application, which may include—

(a) assessments of impacts or risks;

(b) statements setting out how impacts or risks are to be mitigated.

(8) The local planning authority shall, when determining an application—

(a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application; and

(c) in relation to the contamination risks on the site—

(i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(1), and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and

(ii) if they determine that the site will be contaminated land, refuse to give prior approval.

This allows the local planning authority to have regard to any representations received and the NPPF but only in relation to the 4 issues stated above.

It is my understanding that Arun District Council has received advice from the Department for Communities and Local Government (DCLG) which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not listed above.