

Recommendation Report for Prior Notification

REF NO: K/9/25/PD

LOCATION: Potato Barn
Kingston Farm
Kingston Lane
Kingston
BN16 1RS

PROPOSAL: Prior approval under Schedule 2, Part 3, Class Q for the conversion of existing barn into 4 No dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site consists of a single storey, open plan, concrete frame agricultural storage barn with profiled roof and corrugated cement fibre cladding. Outside the building is a predominantly flat grass and hardstanding area to the north. The site benefits from a grass/hardcore access track that runs up from the south, connecting the barn to the highway serving Meadow House and Orchard Cottage.
CHARACTER OF LOCALITY	The site is located in an area of open farmland in a countryside location. There are sporadic and historic agricultural dwellings, both purpose built and converted found to the south.

REPRESENTATIONS

Kingston Parish Council - Objection.

- The proposed curtilage of the barn is not found on other mapping documents.
- The proposal does not provide any outside garden space.
- There is no turning area for delivery vehicles.
- The proposal is near to a drainage ditch.
- Will other infrastructure be require outside of the proposed curtilage.
- The plans appear to show alterations to the track (to the north) proposed.
- Potential harm to footpath users.
- The current highway is not made up of a formal construction material, will this be altered.

East Preston and Kingston Preservation Group - Objection

- Exposed countryside locations. Highly visible from scheduled monument at Highdown Hill.
- The proposed curtilage is inadequate to accommodate dwellings including other necessary residential infrastructure.
- Surface water ditch to the south of building, concerns about flooding.
- Services will be required for the dwellings, is this met by the Permitted Development criteria.

Ferring Conservation Group -Objection.

- Endorse objections made by others.

10 letters of objection from nearby occupiers.

- It is proposed in an area of countryside (green gap).
- The proposed use will not be less intensive than the vacant building.
- Additional traffic dangerous for users.
- The existing track is unsuitable for larger vehicles.
- The noise from construction is unacceptable.
- Existing properties along the lane are not on mains gas/mains drainage.
- The site is an area at risk of flooding.
- The areas already experiencing issues with a lack of social facilities, more housing will increase this problem.
- There are a significant number of holiday homes in the area, these homes should be freed up first.
- The development is out of character.
- Will all development be contained in the red line area, or will other services gas/water connections be required outside of this area.
- No gardens to the properties.
- Head height on first floor very cramped.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No Objection:

- Generally the change of use from agricultural to residential would generate a reduction in material use of the site.
- Whilst the frequency of trip from the site would not exceed the current use of the site, the nature of the trip would likely alter. Likely trips would be undertaken in expected network peaks.
- No recorded collisions, no evidence to suggest the existing access operates unsafely.
- 2 car parking spaces per dwelling included, cycle parking would be expected to be secured via condition.
- The Local Highway Authority have therefore considered the prior approval is acceptable in highway terms.

Environment Agency - Consulted, no response.

Environmental Health - Consulted, no response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions attached where necessary. No further comments from Fire & Rescue were received. It is understood that sufficient access width for Fire/Waste appliances is a Building Regulations matter. The proposal demonstrates sufficient access to the public highway, utilising an existing vehicular access track that connects to Freeman Close, and subsequently, the public highway.

POLICY CONTEXT

Designation applicable to site:

Outside Built-up Area Boundary.

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This Prior Approval is being determined under transitional arrangements, namely Article 10 of the Town and Country Planning (General Permitted Development etc.) Order 2024 which states:

- 10.
- (1) Paragraph (2) applies where development ("previously permitted development under Class Q) -
- (a) is permitted under Class Q immediately before 21st May 2024, and
 - (b) is, by virtue of any amendment made by article 3, no longer permitted under Class Q on and after 21st May 2024.
- (2) Where this paragraph applies-
- (a) a developer may, notwithstanding the amendments made by article 3, make an application for a determination as to prior approval in relation to previously permitted development under Class Q until the end of 20th May 2025, and
 - (b) the amendments made by articles 3 and 5 do not apply in relation to previously permitted development under Class Q in respect of which an application for a determination as to prior approval is made before 21st May 2025 (whether the application is made by virtue of sub-paragraph (a) or otherwise).

OFFICER RESPONSE

The application is being made under (2)(a) such that the development will be assessed under (1)(a) and (b) which is discussed below.

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;
- (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 is not permitted where:

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit-
 - (i) on 20th March 2013, or (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, 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; or
(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;
(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

(c) in the case of-

(i) a smaller dwellinghouse, within an established agricultural unit-

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

(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;

(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;

(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, and

(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;

(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

(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;

(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;

(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, or

(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and

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

(j) the site is on article 2(3) land;

(k) the site is, or forms part of-

(i) a site of special scientific interest;

(ii) a safety hazard

area;

(iii) a military explosives storage area;

(l) the site is, or contains, a scheduled monument;

(m) the building is a listed building

OFFICER'S RESPONSE

The barn was in agricultural use as of 20 March 2013. The application is supported by Statutory Declarations from both the landlord and the agricultural tenant, confirming that the tenant no longer occupies or uses the barn.

The proposal includes the conversion of two larger and two smaller dwellinghouses. All units comply with the individual and cumulative floor area limits set out under Class Q. No previous conversions under Class Q have taken place, and no development has occurred under Class A(a) or Class B(a) of Part 6 of the Schedule since March 2013.

The only proposed alterations are the insertion of windows and doors, re-cladding, and re-roofing. No extensions beyond the existing external footprint are proposed. The site does not fall within any of the designated areas listed under paragraphs (j), (k), (l), or (m).

The development is considered to comply with all criteria set out in paragraphs (a) to (m) of Class Q.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

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,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (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
- (f) the design or external appearance of the building, and,
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(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 (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(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.

TRANSPORT AND HIGHWAYS

WSCC Highways have raised no objection to the proposal. Access is via an existing rural track, which, despite its character, is suitable for multiple dwellings and poses no safety concerns. The track leading to the barn is surfaced with hardcore. No recorded accidents have been identified. While local residents have raised concerns, the potential increase of up to eight vehicles is not considered a material intensification of use. Given the low traffic speeds, no harm is anticipated to users of the shared footpath.

The site also provides sufficient space for 8 No. cars (2 per dwelling) and a cycle store. Conditions can secure these provisions.

NOISE AND CONTAMINATION

The proposed residential use is expected to generate significantly less noise than the former agricultural use. The building was previously used for storing potatoes and other crops, with no hazardous materials or liquids stored on site. No contamination issues are anticipated.

There are no grounds to object to the proposal in terms of noise or contamination impacts

FLOOD RISK

The site lies within Flood Zone 1 and is not at risk of future flooding. While surface water flooding is present nearby, primarily within adjacent ditches, the site and its access remain unaffected.

Residential development is acceptable within this zone, and there are no grounds to resist the proposal.

SUITABILITY OF THE SITE

Class Q advises that these applications can be determined with regard to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use.

The Planning Practice Guidance states that this paragraph "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."

Although the site lies outside the Built-Up Area Boundary and the building's appearance may contrast with its surroundings, the NPPG states that this alone is not a valid reason to refuse prior approval. Many such applications are inherently in less sustainable locations, and sustainability is not a criterion for this type of Prior Notification.

The location is not considered impractical. While future occupants would likely require private vehicles, access is achievable and the nearest village with amenities is a short drive away. There are no operational or logistical constraints preventing the conversion. The agent has confirmed that services to serve the dwellings (such as klargesters) that are reasonably necessary for the conversion will be included within the redline area.

VISUAL IMPACT

Concerns have been raised regarding potential harm to views from Highdown Hill and the surrounding gap. However, any views would be distant and filtered by existing modern development. The converted building would be seen in the context of other nearby dwellings, including contemporary properties in Kingston Gorse. The proposal would not harm the amenity of future occupants or the continued agricultural use of surrounding arable land, nor would it significantly impact the use of the adjacent

farmland which remains accessible from the northwest corner of the adjacent field.

The location is not undesirable for these reasons.

DESIGN AND EXTERNAL APPEARANCE

The building's size and scale remain unchanged. Visual impacts are limited to the introduction of glazing and openings, which are permitted under the legislation and necessary to ensure adequate natural light for future occupants. While these features may contrast with the rural setting, they are acceptable within the scope of the permitted development rights.

In the context of a conversion, and or the purposes of the prior approval, the design and external appearance of the unit would be satisfactory. An appropriate choice of materials can be secured via condition.

NATURAL LIGHT

Each bedroom is served by a window, and sufficient light accessibility remains for the rest of the unit. The unit benefits from sufficient light accessibility.

SUMMARY

This conversion is acceptable with regard to the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in that subject to conditions, there are no unacceptable highway issues, no noise or contamination issues, no significant flood risk issues, no design issues, and that the location is not considered to be impractical or undesirable. Therefore, there is no objection to the proposal.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

- 1 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 2 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of character and appearance in accordance with Arun Local Plan policies D DM1.

- 3 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

- 4 No part of the development shall be first occupied until at least 6 No. covered and secure cycle parking space has been provided on site. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 5 For the avoidance of doubt the approved details are:

- Location and Block Plan 0001 P1
- Proposed Site Plan 2000 P1
- Proposed Ground Floor Plan 2100 P2
- Proposed First Floor Plans 2101 P2
- Unit 1 Floor Plans 2103 P1
- Unit 2 Floor Plans 2104 P1

- Units 3 and 4 Plans 2105 P1
- Proposed Elevations 2200 P1
- Proposed GA Plans 2102 P1
- Statutory Declaration by Mr C. Tedbury
- Statutory Declaration by Mr T. Walters