

Recommendation Report for Prior Notification

REF NO: K/9/26/PD

LOCATION: Potato Barn
Kingston Lane
East Preston
BN16 1RS

PROPOSAL: Prior approval under Schedule 2, Part 3, Class Q for the conversion of existing barn into 3 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 of the building there 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 section of Kingston Lane serving Meadow House and Orchard Cottage.
CHARACTER OF LOCALITY	The site is 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.

RELEVANT SITE HISTORY

K/3/26/PD	Prior approval under Schedule 2, Part 3, Class Q for the conversion of existing barn into 3 No. dwellings.	Objection 05-05-26
K/9/25/PD	Prior approval under Schedule 2, Part 3, Class Q for the conversion of existing barn into 4 No dwellings.	No Object'n + Conds 01-07-25

K/3/26/PD - This application was for the conversion of the subject building to three dwellings but was objected to due to changes in the red edge and curtilage since that granted under K/9/25/PD.

K/9/25/PD - This application granted prior approval for the conversion of the subject building into four dwellings under Class Q.

REPRESENTATIONS

Kingston Parish Council - Objection:

- Curtilage should be accurate. The curtilage, is greater than that approved under K/9/25/PD and extends

to the south, to the edge of the drainage ditch, encompassing an area with trees and other foliage. Resultant concerns regarding Q2(3) & (f), and maintenance of the ditch. It cannot be found that this area 'served the purposes of the building' as it was not used in association with it (being largely inaccessible).

- Extensive Building Work - The proposal would materially alter the design and external appearance of the barn, with extensive structural alterations required. Loss of agricultural character. Unclear whether the necessary sewage disposal units/other services can be provided within the curtilage. Concerns it is not a true conversion involving only necessary works, and that it is a rebuild contrary to Class Q.

- Access concerns regarding compliance with Q(p) as it does not provide suitable access to a public highway. The track leading from Kingston/Sea Lane to the field entrance leading to the Potato Barn is a public footpath (PROW 2111/2). The proposal conflicts with the public footpath use, as more intensive vehicular use raises public safety concerns. There is no statement or information is concerning whether there will be an increase in daily traffic movements. Nor is there any demonstration of where visitors will park, or how delivery vehicles, refuse vehicles or emergency vehicles will turn on site.

- Concerns for fire safety. The provision of a fire hydrant located some distance south of the site is noted, but remains concerned that the access width and turning circle required by the fire service is not being met. Therefore, the fire service, who raised safety concerns about the initial application for this site, should be consulted on the practicality and safety aspects of this application.

- The FRA accompanying the application should be rigorously considered before any decision is made, by testing against the latest flood risk data, including factoring in climate change. Will the Lead Local Flood Authority be consulted on this? The applicants FRA recommends flood resilience measures. The proposed design does not demonstrate that any resilience measures will be included. This should be a requirement.

- Ecological Appraisal - Notwithstanding the provisions of Class Q, the applicant must still comply with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. Preliminary Ecological Appraisals (PEA) are usually required alongside necessary surveys to prevent harm to endangered and protected species. Council asks that not decision is made without reference to this legislation and consideration of a PEA. Given agricultural nature of the building, its proximity to ponds and ditches, and to the Ferring Rife nature corridor, it is essential there is a survey to safeguard local wildlife. Significant sightings of Barn Swallows over the last two years in this area, Pipistrelle Bats, Skylarks, Barn and Tawny Owls, and other wildlife identified.

- Location and Siting of the Building - Paragraph Q.2(1)(e) refers to consideration of whether the location or siting of the building makes it otherwise impractical or undesirable for the change to residential use. Arun's Local Plan policies deal with the protection of landscape character, the countryside, gaps between settlements and biodiversity; plus policies dealing with flood risk and drainage. Can these policies and policies in the Kingston Neighbourhood Plan be taken in to account? The urbanisation of the barn is undesirable for the immediate isolated rural area. The site is impractical for residential use due to the unsuitable access route and lack of sufficient turning circle, problems for emergency services to attend e.g. access, turning restrictions and distance from a fire hydrant. Lack of a mains sewer connection and no details on this or the management of surface

water run-off, the potential flood risks to the properties and the potential to exacerbate existing local drainage problems, in particular with more pressure on the local drainage system.

- The proposal should be refused due to failure to demonstrate that the proposal falls within the scope of Class Q.

26 letters of objection:

- Concerns regarding access and manoeuvring, particularly for larger/emergency vehicles.
- Reliance on land around the site is inappropriate.
- No wildlife surveys undertaken.
- Potential impacts on protected species.
- Concerns that the site is within the Settlement Gap.
- Concerns regarding precedent.
- Concerns that the access track is insufficient for construction/associated traffic.

- Concerns regarding flooding and drainage.
- Concerns that construction traffic may damage neighbouring properties.
- Concerns that it would set a precedent.
- Loss of Agricultural land.
- Lack of services identified.
- Comments responding to WSCC Highways Consultation with concerns and suggesting they conduct a site visit.
- Lack of significant amenity land.
- Concerns that the proposal is not within the provision of Q.1(j) as it involves new floors, internal walls, and possibly foundations.
- Concerns that the proposal does not meet Q.2(1)(e) and (f)
- Concerns that the development would prejudice views from Highdown, a Scheduled Monument within the National Park.

1 No Objection letter:

- Concerns that the application may not have fully considered an existing Legal Easement and Right of Way associated with Title WSX237645.

COMMENTS ON REPRESENTATIONS RECEIVED:

All comments reviewed and noted.

The only consultations required were WSCC Highways and Environmental Health. WSCC as the Lead Local Flood Authority are not a prescribed consultee in the provisions of Class Q, nor would this proposal meet the consultation thresholds for such a consultation had it been a planning permission application.

It is clear that there is local opposition to this development, but the considerations for this type of application are limited to those outlined within Class Q below and regard to the NPPF may only be had insofar as relates to the prescribed considerations relevant to the prior approval.

For clarity as to some of the matters raised as concerns, the following cannot be considered under this application, but may be covered by other legislation or be a private legal matter:

- Ecology
- Private Rights of Way/Easements
- Neighbourhood/Local Plan policies
- Precedent
- The disposal of surface water
- Internal works
- Damage to third party land
- Construction traffic

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways:

- Previously provided consultation advice for this site for application K/3/26/PD, raising no highway safety concerns.
- The GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

- The change of use from agricultural to residential would generate a reduction in material use at the site.
- The movements associated with residential use would be anticipated within network peaks.
- Although the nature of trips would change, the frequency would likely not exceed that of the potential of the current use.
- There have been no recorded collisions within the vicinity of the site and no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.
- Car parking and bicycle storage are proposed for this development, in accordance with Arun Parking Standards.

Environmental Health - No objection:

- Conditions relating to unexpected contamination and EV charging requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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

Permitted development

Q. Development consisting of-

(a) a change of use of-

- (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or
 - (ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage,
- ...to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Development not permitted

Q1. Development is not permitted by Class Q if-

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit-

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

- (b) in the case of a site that was (but is no longer) part of an established agricultural unit-
 - (i) the site was part of an established agricultural unit on 24th July 2023,
 - (ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
 - (iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,
- (c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,
- (d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in-
 - (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
 - (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,
- (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 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, other than-
 - (i) extension of the building allowed by paragraph Q.1(i);
 - (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),
- (i) the development under Class Q(b) would result in an extension that-
 - (i) has more than one storey,
 - (ii) is sited anywhere other than to the rear of the existing building,
 - (iii) extends beyond the rear wall of the existing building by more than 4 metres,
 - (iv) has eaves the height of which exceed the height of the eaves of the existing building,
 - (v) is higher than whichever is the lower of-
 - (aa) the highest part of the roof of the existing building, or
 - (bb) a height of 4 metres above the ground,
 - (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
 - (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and-
 - (aa) the hard surface was not provided on the land on or before 24th July 2023, or
 - (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

- (j) the development under Class Q(c) 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(j)(i),
- (k) the site is on article 2(3) land,
- (l) 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,
- (m) the site is, or contains, a scheduled monument,
- (n) the building is a listed building,
- (o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or
- (p) the building does not have suitable existing access to a public highway.

Conditions

Q2.-(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), 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 Schedule 1 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) Where the development proposed includes development under Class Q(b), the developer must also apply, as part of the application under sub-paragraph (1) or (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.

(4) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class Q

Q3.-(1) For the purposes of Class Q, "curtilage" means the lesser of-

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and

(b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.

(2) For the purposes of Class Q.1(d), "the original limits of an established agricultural unit" means-

(a) in the case of an established agricultural unit which ceased to exist prior to 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(b) in the case of an established agricultural unit which exists on 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(c) in any other case, all the land which comprises the established agricultural unit at the time it comes into existence.

PARAGRAPH W (Procedure for applications for prior approval under Part 3):

W.-(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 must be accompanied by-

(a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations;

(b) a plan indicating the site and showing the proposed development;

(c) the developer's contact address;

(d) the developer's email address if the developer is content to receive communications electronically; and

(e) where sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment, together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority-

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) 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 must consult-

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the 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.

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

- (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 (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(8) The local planning authority must 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.

(9) The local planning authority may require the developer to submit such information as the 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; or
- (c) details of proposed building or other operations.

(10) The local planning authority must, when determining an application-

- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, 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, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the 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.

(11) The development must not begin before the occurrence of one of the following-

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(12) The development must be carried out-

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

CONCLUSIONS

ANALYSIS OF PERMITTED DEVELOPMENT RESTRICTIONS:

This application is for the change of use of 1 No. agricultural building to 3 No. dwellinghouses (C3) and building operations reasonably necessary to convert the buildings. It, therefore, falls to be determined under Class Q(a) & (c), Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

Q:

(a) The building forms part of an 'established agricultural unit' as defined within Paragraph X of Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

This section also permits the change of use of land within the building's curtilage. 'Curtilage' is defined within Q3 as the lesser of, the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit... closely associated with and serving the purposes of that building, and; an area of land immediately beside or around the building on an established agricultural unit... no larger than the land area occupied by that building.

In this instance, the proposal identifies the defined curtilage on the site plan in purple (383.5sqm) which is less than the footprint of the building. In measuring the hardcore areas adjacent to the building on its north and east sides, which are closely associated with serving the purposes of the building, the area exceeds 383.5sqm. As such, the proposed curtilage is the lesser of these two areas, is therefore, defined as 'curtilage' for the purposes of Class Q, and the change of use of this area of land is permitted.

(b) N/A.

(c) The development includes building operations that are reasonably necessary to convert the building for use as a C3 Dwellinghouse.

Q.1

(a) The site is part of an established agricultural unit and was on 24th July 2023.

(b) N/A.

(c) None of the dwellings have a floorspace greater than 150sqm.

(d) The number of dwellings on site would not individually or cumulatively exceed 10, nor would they exceed 1000sqm.

(e) The site is occupied under an agricultural tenancy but express consent from both the landlords and tenant has been provided.

(f) Both landlord and tenants have agreed the site is no longer of use.

(g) The established agricultural unit has not undertaken any other developments under Class A(a) or Class B(a) of Part 6.

(h) No extensions are proposed and the proposed works do not exceed the existing external dimensions by more than 0.2m.

(i) No extensions are proposed.

(j) A structural survey has been submitted outlining that the building is suitable for conversion without the need for extensive structural alteration. Various concerns have been raised that the works are extensive, and that new floors, internal walls, and possibly foundations would be required, and so this goes beyond the provisions of subsection (j). However, internal works/alterations such as new floors and internal walls do not constitute 'Development' and do not, in any event, require planning permission. It is acknowledged that the survey identifies that some foundations may be required under internal load bearing walls or the external envelope, but that these interventions would not constitute a fundamental rebuild. The installation and replacement of exterior walls is covered by subsection (j), and the potential need for introducing a foundation under the external walls is an inherent component of the installation/replacement of such walls. Furthermore, subsection Q(c) is clear that building operations reasonably necessary to convert the building are permitted and this would constitute such a building operation. In relation to the exterior of the building, the works proposed are all covered by subsection (j) and are concluded to be 'reasonably necessary' in order for the building to function as a dwellinghouse.

There are peripheral works proposed that would comprise 'building operations reasonably necessary to convert the building' covered by Class Q(c) which includes the installation of a perimeter footpath around the building and to the access points, the laying out of the parking area, the provision of bin and bike stores, and two delineating fences between amenity spaces. All of which are reasonably necessary for the units to function as dwellinghouses.

(k) N/A.

(l) N/A.

(m) N/A.

(n) N/A.

(o) Each unit complies with the Nationally Described Space Standards.

(p) 'Suitable existing access to a public highway' is not defined in the legislation. The NPPG is clear, however, that for Class Q applications, the Local Planning Authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements, and an agricultural building being in a location where the Local Planning Authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

The barn is accessed by an approx. 100m vehicular track of compacted dirt which, at the time of the visit, had grass growing in the centre. It is relatively narrow and of a rural character, but it has clearly been in use by agricultural vehicles for many years. This track connects to a wider section of Kingston Lane made up of hardcore that serves a number of residential dwellings and agricultural buildings before connecting to the remainder of Kingston Lane at its junction with Sea Lane, which thereafter consists of a tarmac road surface. The Local Planning Authority have reviewed the access to the public highway under both previous Class Q applications at this site and concluded that suitable access to the public highway exists. Kingston Lane is entirely acceptable and clearly used by residential traffic at present without issue. The relatively narrow rural track leading up to the barn is less formalised, but subject to general upkeep, it is concluded that cars could navigate this track without significant issue. As such, the site has suitable access to the public highway. It is noted that WSCC Highways have raised no objections on highways grounds.

Q2.-(1):

Sections (a)-(g) are discussed elsewhere.

Subsections (2), (3), and (4) pertain to procedural and compliance matters that are not relevant to this assessment and must be complied with.

Paragraph W primarily relates to procedural matters that do not require further consideration. The NPPF will be considered as far as it relates to the subject matters of the application, and following the lack of objection raised by Environmental Health or other evidence that the site represents a particular contamination risk, the site is not considered to be, nor will be, contaminated land as described in Part 2A of the Environmental Protection Act 1990.

HIGHWAYS AND TRANSPORT

Access to the building is provided in the way described under subsection Q.1(p) above. Residents have raised concerns about the fact that Kingston Lane is also a Public Right of Way (PRoW) (Ref:KWS-2111) and that the development would intensify the use of the PRoW and endanger pedestrians. They identify that the barn is in disuse and that, therefore, WSCC Highways' conclusions that the development would not materially intensify the frequency of trips despite a change in their nature is incorrect/untenable. Officers concur with the conclusions of WSCC Highways and feel it prudent to make clear that the barn being in disuse at present is not the baseline on which to consider this proposal. The barn has a lawful, existing, agricultural use, and could at any time be brought into use. Comparing the lawful existing, and proposed uses, is the appropriate assessment for which to consider associated traffic movements. In any event, given the surfacing, width, and nature of the access route, it is unlikely road users would travel quickly along the route.

WSCC Highways have raised no objections, and it is not concluded there would be any likely conflict with pedestrians along the PRoW.

The site lies in Parking Zone 1 where 3-bedroom units require 2 No. car parking spaces and 2 No. bicycle storage spaces per unit. The proposal has identified 3 No. bicycle storage shelters each with a capacity of 2 No. bicycles and 6 No. car parking spaces. These are sufficient provisions for each unit and in accordance with the Arun Parking Standards. It is also noted that WSCC Highways have raised no objections to parking provisions. A single EV charger per unit could be secured by way of condition.

Concern has been raised that emergency/service vehicles would not be able to tend to the site, and a previous submission on this site received comment after determination, from the WSCC Fire Service, which indicated access concerns, alongside various Building Regulations requirements that would need

to be met. NPPF Paragraph 117(d) outlines that 'development should allow for... access by service and emergency vehicles'.

The applicant has confirmed that they have are in communication with Southern Water and received quotation for the provision of a fire hydrant within 40m of the site boundary. They also confirm that the access track and gate are sufficient in width for a fire tender to access the site, that sufficient hardstanding is available to manoeuvre and exit the site in forward gear, and that all points in the dwellings will be accessible to fire fighters with a direct hose length of less than 45m. Officers see no reason that these claims are false. Though it is noted that where parking spaces are filled and residents are unavailable, a fire tender may require limited encroachment of the peripheral land to initiate a multi-point turn.

While the red edge along the track appears to be narrow in parts, on site, the track appears wider than that shown, and the area is understood to fall under the same ownership title. Moreover, he prior comments from the WSCC Fire Service, identify that the requirements outlined are covered as requirements under the Building Regulations, which the development would need to comply with. In addition, that alternative means of fire suppression could be considered, such as sprinkler systems. NPPF Paragraph 117(d) states that developments 'should' allow for the efficient delivery of goods, and access by service and emergency vehicles. The proposal appears capable of being served by a fire tender in an emergency and compliance with Building Regulations in relation to fire safety would still form a requirement, notwithstanding the grant of prior approval. If the Building Regulations stage were to find that additional development is required to facilitate this development, any such development requiring planning permission could be applied for and considered appropriately at that stage.

Subject to conditions, the proposal would be in accordance with NPPF paragraphs 110, 116, and 117.

NOISE

The buildings are in a rural location with minimal noise sources expect for noise associated with the operation of agricultural equipment around the wider agricultural land. The impacts of which would be infrequent and expected given the nature of this application and the location.

Environmental Health raise no objections in respect of noise impacts. In regard to noise, the proposal is in accordance with NPPF paragraphs 135(f), 187(e), and 198.

CONTAMINATION

The site's current agricultural use indicates potential for a contamination risk. Environmental Health raise no objection in relation to contamination, suggesting that a condition in relation to any unexpected contamination would be sufficient.

Foul drainage is not an explicit consideration set out under the Class Q process; however, Class Q(c) is clear that the installation/replacement of drainage/other services reasonably necessary to convert the building are permitted. No non-mains drainage infrastructure has been identified or proposed. In any event, Building Regulations will review relevant foul drainage apparatus and any non-mains drainage requirements would need to accord either with the General Binding Rules set out by the Environment Agency or seek relevant licensing under their legislation, which would account for any contamination risks.

Subject to condition, the proposal is in accordance with NPPF paragraphs 187(e) and 198.

FLOOD RISK

The site is in Flood Zone 1 but is identified as falling within the Environment Agency's (EA) Future Flood Zones mapping when accounting for Climate Change between 2070 and 2125, which is within the

lifetime of the development.

Areas to the south, west, and north of the building are at varying risks of surface water flooding both at present and in the future when accounting for climate change, but this does not encroach upon the footprint of the building. In the worst-case (1 in 1000) future (2061-2125) scenario when accounting for climate change, depths around the west and north side of the building would not exceed 300mm. To the south, within the proposed amenity areas, depths would not exceed 600mm, though it is noted that this area of flooding is along a topographical low adjacent and within the ditch, and that the surface water flood risk mapping assumes no positive drainage to ground or otherwise occurs. In the 'design flood' event (1 in 100), the building and site are at significantly lower risk of flooding.

Overall, the footprint of the building remains outside of the identified risks of surface water flooding for its lifetime, and the risk is low.

The applicant submitted a Flood Risk Assessment (FRA) addressing on site flood risk and proposing mitigation measures including low permeability external walls, flood resilient windows and doors to ground-floor which should be water-tight and able to withstand hydrostatic pressure from flooding, air vents located 600mm above anticipated flood depths, high-level fittings, fixtures and services, amongst other measures. All of which will be secured by way of condition.

Groundwater flood risk has been identified as low-medium. The Local Planning Authority has no evidence to dispute this but has no records of historic groundwater flooding occurrences at this site exist. Groundwater flood risk is prevalent across the majority of Arun, and the mitigation measures proposed in the Flood Risk Assessment are concluded as sufficient to mitigate against this risk.

Upon recognition of the site's positioning in the EA's Future Flood Zones mapping when accounting for Climate Change between 2070 and 2125, the applicant was asked to update their FRA with modelling data for this flood extent so that a review of relevant flood depths alongside the proposed mitigation measures can be considered. The applicant approached the EA requesting Product 4 Data for the site so that this could be explored. The EA responded with a letter identifying that the site lies in Flood Zone 1, over 250m from Flood Zone 2, and that no such modelling data exists for the site. This correspondence has been uploaded as evidence. On the basis of the information and evidence before the Local Planning Authority, the applicant has worked with the best available information for the site in relation to flood risk from Tidal/Fluvial sources and it is not possible to consider the flood risk mitigation measures against flood risk data related to the EA's Future Flood Zones mapping when accounting for Climate Change between 2070 and 2125. On this basis, the measures identified, in addition to the presence of first-floor safe refuge being available, are concluded to be acceptable.

As a Class Q Change of Use application, no Sequential Test is required. Additionally, and subsequently, the site is not in Flood Zones 2 or 3 and no Exception Test is required. The proposal has demonstrated that, subject to the effective implementation of the mitigation measures proposed, the development and its occupiers would be sufficiently safe for its lifetime. The proposal is, therefore, in accordance with NPPF paragraph 170.

SUITABILITY OF THE SITE

Class Q (paragraph Q.2 (1)) 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 (NPPG) 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." (Paragraph: 108 Reference ID: 13-108-20150305).

NPPG paragraph: 109 Reference ID: 13-109-20150305 goes on to state that 'Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable" and the fact "That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval". It sets an example that "because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical.", which is acknowledged to be a very low standard to which impracticality may be asserted.

While the site lies outside of the Built-up Area Boundary and in a Settlement Gap where planning permission for residential dwellings would not normally be permitted, these are not sufficient reason to object to this application. Concern has been raised regarding access viability, which has been addressed elsewhere, alongside concerns related to potential biodiversity impacts and visual impacts on the rural landscape, including from Highdown.

Ecology is not a relevant subject matter for consideration, and as a conversion of a building with minimal additional landscaping on which a large portion consists of existing hardstanding/hardcore, it is unlikely significant ecological impacts would occur. In any event, relevant protected species/ecological legislation remains applicable despite any grant of planning permission/prior approval.

The barn is an established building with vegetation to the south and residential/agricultural buildings beyond. The conversion would result in a building of a much more domestic appearance, but this is inevitable within the allowances of physical alteration and the intended C3 use prescribed within Class Q. Visual impacts as a result of the more domestic character on the wider landscape would occur, but views of the site would generally be from distant vantage points and read alongside the vegetation adjacent and the cluster of domestic and agricultural buildings to the south along Kingston Lane. Views from the PRow to the south would also be distant and partially obscured by existing vegetation.

The impacts do not amount to harms such that they are unacceptably harmful or objectionable.

DESIGN AND EXTERNAL APPEARANCE

The proposals include the introduction of glazing and openings, which are permitted under the legislation and necessary to ensure adequate natural light for future occupants. The fenestration includes standard windows, access doors, in addition to large patio doors, a feature window at first-floor level of the east and west elevations, and a series of rooflights. While these features may contrast with the rural setting, they are acceptable within the scope of Class Q.

In the context of a conversion, and for the purposes of the prior approval, the design and external appearance of the unit are satisfactory. Exact materials have not been specified though they appear to include stonework up to 0.9m, with horizontal boarding and black fenestrations. The design is more domestic in nature but remains acceptable within the context of a residential conversion under Class Q and finalised details can be secured via condition.

Within the limitations of Class Q, the proposal is in accordance with NPPF paragraph 135.

NATURAL LIGHT

All habitable rooms are to benefit from at least one window and each unit will feature several windows and/or rooflights to provide natural light into relevant spaces. All units would benefit from sufficient light accessibility in accordance with NPPF paragraph 135(f).

SUMMARY

The proposal falls within the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, and no objections are raised subject to the following conditions and informatives.

Subsection (13) of Paragraph W is clear that conditions must be reasonably related to the subject matter of the prior approval. Therefore, only conditions relevant to transport and highways impacts, noise impacts, contamination risks on the site, flooding risks on the site, the practicality and desirability of the location/siting of the buildings, the design or external appearance of the building, or the provision of adequate natural light in all habitable rooms of the dwellinghouses, can be attached.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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, 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously

unidentified contamination sources at the development site. This is in line with paragraph 187 of the NPPF.

- 2 No external alterations hereby approved (except relating to the installation of services) shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the conversion of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the buildings by endeavouring to achieve a building of visual quality in accordance with NPPF paragraph 131.

- 3 No part of the development hereby approved shall be occupied until the Flood Resilience measures outlined in Sections 4.12 and 4.13 of the submitted Flood Risk Assessment 26-0096-MCE-XX-XX-RP-C-0001-S2-P03 Produced by Moss Consulting Engineers and dated: 20/05/2026 have been implemented in full.

Reason: To reduce the risk of flooding to the proposed units and future occupiers in accordance with NPPF Paragraph 170.

- 4 Prior to occupation of any of the dwellings, the applicant or developer shall provide each dwelling with an electric vehicle charge point in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 5 No part of the development shall be first occupied until the covered and secure cycle parking spaces have been provided in accordance with approved site plan. 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.

- 6 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.

- 7 This application is subject to the Community Infrastructure Levy (CIL) as levied under Arun District Councils CIL Charging Schedule as adopted on 15 January 2020. Please complete Form 5 Notice of Chargeable Development. This form should be submitted (along with 'in use' proof) when a development is granted by way of general consent. Shortly after, if applicable, you will receive a Liability Notice informing you of any amount payable and any further forms required, prior to commencement.

- 8 For the avoidance of doubt the approved plans and details are:

- OS MAP and Location 0001 REV P1.
- Proposed Site Plan 3000 REV P1.
- Proposed Site Plan (GF Level) 3001 REV P1.
- Proposed Site Plan (Areas) 3005 REV P1.
- Proposed GA Ground Floor Plan 3100 REV P1.
- Proposed GA First Floor Plan 3110 REV P1.
- Proposed GA Roof Plan 3120 REV P1.
- Proposed GA Elevations A-A & B-B 3200 REV P1.
- Proposed GA Elevations CC & DD 3201 REV P1.
- Proposed GA Section E-E 3300 REV P1.
- Proposed GA Section F-F 3301 REV P1.