

Recommendation Report for

REF NO: LY/21/24/PD

LOCATION: Broomhurst Farm
Lyminster Road
Lyminster
BN17 7QQ

PROPOSAL: Prior notification under Schedule 2, Part 3, Class Q to change use of existing agricultural building to 1 No dwelling house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of an existing agricultural building to a residential dwelling. Proposed works connected to the conversion include changes to fenestration, installation of rooflights, repairs and repointing of brickwork and the installation of services reasonably necessary for the building to function as a dwellinghouse.
SITE CHARACTERISTICS	The site is an agricultural building attached to a former agricultural building which is now in residential use. The site forms part of a small cluster of agricultural buildings associated with Broomhurst Farm, on the access road between Lyminster Road and Broomhurst Farm House.
CHARACTER OF LOCALITY	The character of the locality is mainly semi-rural, with a number of residential properties within the immediate vicinity along Lyminster Road and agricultural land.

REPRESENTATIONS

No representations were received.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WEST SUSSEX COUNTY COUNCIL HIGHWAYS
No objection.

ENVIRONMENTAL HEALTH

No objection subject to a pre-commencement condition regarding contamination and remediation.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Arun Valley IRZ
 CIL Zone 3
 Built Up Area Boundary

DEVELOPMENT PLAN POLICIES**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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**Class Q**

Change of use of buildings on agricultural units and former agricultural buildings to dwellinghouses

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

Q.1. 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 201564 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

Q.2. (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

Q.3. (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.

ANALYSIS OF PERMITTED DEVELOPMENT RESTRICTIONS:

(A) - (B): The site is part of an established agricultural unit.

(C) - (D): The development proposed consists of 1 dwellinghouse which does not exceed 150 square metres.

(E) - (F): The site is not occupied under any agricultural tenancy.

(G): No development under Class A or B of the GPDO has taken place on the site in the last 10 years.

(H): The proposed works to the exterior do not exceed the existing external dimensions.

(I) The development proposes no extensions.

(J): The proposal does not include building operations other than those stated at j)i) and j)ii).

(K): The site is not on article 2(3) land.

(L): The site is outside of any of these areas.

(M): There are no scheduled monuments on site.

(N): The building is not listed.

(O): The proposal complies with the NDSS.

(P): The building has suitable access to Lyminster Road.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The prior approval of the Local Planning Authority is required in respect of highways and transport, noise, contamination, flooding, suitability of location, design and natural light.

HIGHWAYS AND TRANSPORT

WSCC Highways were consulted, and raised no objections to the works. They note that there are no known safety concerns associated with the access, and C3 residential uses are less intensive.

No cycle parking is proposed by the works, and although required as part of the Arun Parking Standards SPD, given the nature of this prior notification application, it is not necessary to impose a condition in regard to this. Whilst specific parking spaces are not shown on the plans, the site is surrounded by ample space, which would meet the 3 parking spaces required by the Arun Parking Standards SPD.

It is not considered that the change to a C3 dwelling would result in a material change to the character of traffic in the vicinity of the site. Therefore, the proposal is acceptable in terms of highways.

NOISE

There are various residential properties within the vicinity, including the site's attached neighbour. There are no grounds to object to the proposal in terms of noise impact.

CONTAMINATION

The documents submitted with this application identify a potential risk from contamination. ADC Environmental Health team were consulted, and have raised no objection, subject to a condition requiring further details of contamination and remediation. The condition has been agreed and attached.

FLOOD RISK

The site is within flood zone 1 and is therefore at low risk of tidal and fluvial flooding. Residential development is acceptable within this zone, and there are no grounds to resist the proposal.

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 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."

In this instance, the proposed dwelling is within close proximity of existing dwellings. The site is attached to another former agricultural building which is now converted to residential use. Lyminster Road is easily accessible on foot, and provides access to a small number of services and local buses. The location is not such that the use a residential dwelling would be impractical or undesirable.

DESIGN AND EXTERNAL APPEARANCE

The existing building is a brick barn which overall requires limited works to ensure its suitability for residential accommodation. As part of the alterations, additional fenestration will be inserted including rooflights, and there will be some repair to the existing brickwork. As the remainder of the building has already been converted to residential use, the proposed alterations will not appear out of keeping with the surrounding area. The building is of a relatively domestic scale and materiality, and the proposed

works will not unduly harm the character of the building.

NATURAL LIGHT

The proposed plans show all habitable rooms served by windows. The property will benefit from sufficient light and the living conditions of the future occupiers will not be detrimentally impacted.

SUMMARY:

It is therefore considered that 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 there are no 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. 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

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

Prior to commencement of the development hereby approved, or such other date or stage in development as may be agreed in writing with the Local Planning Authority, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:

1.Based on submitted report by Land Science ref:LS7905.1 dated 20th November 2024, an options appraisal and remediation strategy giving full details of the remediation measures

required and how they are to be undertaken. The remediation strategy shall include details of the data that will be collected in order to demonstrate that the proposed remedial works are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

2. A verification report demonstrating completion of the works set out in the approved submission (1) and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Where necessary, the report shall also include long-term monitoring and maintenance plans and arrangements for contingency action.

Note:

Any changes to these components require the express written consent of 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 the Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

2 For the avoidance of doubt the approved details are:

- Location and Block Plans 1.01
- Proposed Floor Plans 2.02 REV B
- Proposed Elevations and Section 2.03 REV A