

Recommendation Report for Prior Notification

REF NO: WA/36/26/PD

LOCATION: Choller House Farm
Barnham Lane
Walberton
BN18 0AX

PROPOSAL: Prior approval under Schedule 2, Part 3, Class Q for the conversion of existing 7 agricultural buildings into 9 No dwelling houses.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site comprises 7 No. agricultural buildings serving the wider agricultural use of the surrounding landscape and unit.
CHARACTER OF LOCALITY	The site and its surrounding area are distinctly rural and agricultural in nature.

REPRESENTATIONS

Walberton Parish Council - Objection:

- Noting that the application must be determined under Class Q.
- Also that as new developments, their impact still needs to be considered against planning and other legislation to ensure they are lawful and sustainable as is required by the NPPG.
- Noting policies Walberton Neighbourhood Plan policies VE6, VE7, VE8, VE10, VE13, and Arun Local Plan policies QE SP1 and QE DM4, and identifying non-compliance and potential prejudice of the principles these policies align with.
- Conditions regarding surface water drainage, lighting, contamination/asbestos, and sewer capacity suggested.

No other representations.

COMMENTS ON REPRESENTATIONS RECEIVED:

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.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection subject to conditions:

- The site's former agricultural use and made ground present a medium contamination risk that could potentially be mobilised during construction and impact controlled waters.
- The site lies on a Secondary Aquifer A with a hydrological connection to a nearby stream, as such the

site is sensitive to contamination risks.

- The submitted Land Quality: Preliminary Risk Assessment shows that the risks to controlled waters can be managed, although further detail will be needed prior to construction.
- Conditions securing a remediation strategy and verification report requested, alongside an unexpected contamination condition.
- The site is sensitive as it lies on a Secondary A aquifer connected to a nearby stream.
- Infiltration is therefore, considered inappropriate and a planning condition should be imposed to address this. Without it, would object.
- Advice regarding non-mains foul drainage also provided.

WSCC Highways - Advice:

- Note that comments relating to the private access road are advisory only.
- Site accessibility and visibility are adequate.
- Noting a cycle path nearby.
- Advising that vegetation at the site entrance and adjacent the cycle path is kept below 0.6m to maintain visibility.
- Passing places are recommended along the access track.
- No significant highway safety or capacity impacts anticipated.
- Note the Arun Parking Standards.
- Construction vehicles should be able to enter, turn, and exit in forward gear and the Initial plans suggest this is achievable.

Environmental Health - No objection subject to conditions:

- Conditions regarding external lighting, a construction management plan, and contamination remediation suggested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions can only be attached where they relate to the subject matters of Class Q. For clarity, light pollution, surface water drainage viability, and sewer capacity are not relevant subject matters.

DEVELOPMENT PLAN POLICIES

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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

ANALYSIS OF PERMITTED DEVELOPMENT RESTRICTIONS:

This application is for the change of use of 7 no. agricultural buildings to a C3 use (dwellinghouse), 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).

Q1:

(a) The applicant originally claimed the site is no longer part of an 'established agricultural unit' but was so on the 24th of July 2023. This was queried and the applicant has confirmed the buildings are and remain within agricultural use, though the intensity of this use has reduced more recently. Paragraph X defines an established agricultural unit as agricultural land occupied as a unit for the purposes of agriculture... for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins. These buildings and the land in question formed part of surrounding agricultural land and unit before the 20th of March 2013, and have remained part of the unit to date. As such, Q.1(a) applies and the proposal remains compliant.

(b) N/A

(c) None of the dwellings proposed exceed 150 square metres.

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

exceed 1000sqm.

(e) & (f) The applicant has identified that the land in question is not occupied under an agricultural tenancy, nor that one has been terminated in the last year.

(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 to the existing buildings do not exceed the existing external dimensions by more than 0.2m.

(i) No extension under Q(b) is proposed.

(j) The works proposed have been supported by a Structural Survey of the existing buildings and they are each suitable for conversion without demolition/significant rebuilding. The buildings are all served by existing farm tracks and hardstanding areas, and the works proposed all appear reasonably necessary and only pertain to those allowed under subsection (j).

(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 buildings are not listed.

(o) All proposed units comply with the Nationally Described Space Standards.

(p) The building has a suitable access to the public highway, albeit a narrow single track. Access is taken from Barnham Lane and already serves 'Choller Farm House'.

CONDITIONS

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

Paragraph W primarily relates to procedural matters that do not require further consideration. However, noting the representations made, subsections 10(b) and 10(c) are of relevance. The NPPF will be considered as far as it relates to the subject matters of the application, and following the results of the Land Quality Assessment, the non objections raised by Environmental Health and the Environment Agency, and their suggested conditions, the site is not considered to be, or will be, contaminated land as described in Part 2A of the Environmental Protection Act 1990.

HIGHWAYS AND TRANSPORT

The site takes vehicular access off of Barnham Lane to the east. The existing track serves Choller Farm House and would be shared by this development. WSCC Highways have raised no objections to this

development, identifying good visibility and that a cycle route between Walberton and Barnham exists at alongside Barnham Lane, to which the development would have direct access.

WSCC Highways advise that passing places should be considered along the narrow access track to Barnham Lane, but that it is a private track and the comments are advisory. They also advise that vegetation at the access to Barnham Lane and adjacent to the cycle route should be kept below 0.6m to ensure suitable visibility in the long-term between vehicles and cyclists. No concerns regarding highway safety or material capacity impacts have been raised.

WSCC Highways have also advised that prior to commencement, construction traffic should be able to enter the site, manoeuvre, and exit in forward gear. They indicate that the existing site layout is likely to be able to facilitate this.

The site lies within Parking Zone 1 and per the Arun Parking Standards, each dwelling should be afforded two parking spaces. This is achieved with the exception of Plot 1, which benefits from one parking space only. This unit, however, is only capable of having a single occupier based on its floor area. As such, a single parking space remains adequate. While no visitor parking has been provided, and the site would typically require two such spaces, it is acknowledged that the curtilage of each unit is limited by this legislation (Q.3(1)) and must be connected to each unit. Thus, providing visitor parking within the red edges surrounding each unit to serve the wider development would be very difficult. In any event, WSCC Highways have raised no objection on the grounds of parking provision.

Cycle storage for each unit could be secured by way of condition with 1 and 2-bedroom units requiring a single space and 3-bedroom units requiring two. Care would need to be taken to ensure the fenestrations of Plot 1 were not impeded by the siting of a cycle store to the rear given its limited curtilage. That said, the omission of a cycle store for Plot 1, if it were found necessary, would not have any unacceptable consequences.

A single EV charger per unit could also be secured by way of condition. Subject to conditions, the proposal would be in accordance with NPPF paragraphs 110, 116, and 117.

NOISE

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

Environmental Health have raised 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, alongside made ground, presents a medium contamination risk, which could be mobilised during construction. The site is located upon Secondary Aquifer A that is hydrologically connected to a nearby stream, as such, the contamination risk is heightened due to the sensitivity of the site.

The submitted Preliminary Risk Assessment indicates that these risks can be managed. Both the Environment Agency (EA) and Environmental Health have suggested that pre-commencement conditions will be required to secure further investigation, a remediation strategy, and details of any proposed surface water drainage strategy with particular emphasis on preventing contaminants from being mobilised to controlled waters as a result of any surface water drainage strategy.

The applicant has provided a supplementary statement addressing the EA's condition request relating to

surface water drainage. They advise that infiltration to ground would not be viable in any event, and that the intention would be to re-use the existing surface water drainage infrastructure serving the buildings which consists of a network of drainage gullies and pipes that navigate surface water to nearby ditches. The proposal involves no intensification of the existing volume of surface water outfall, and the limitations of Class Q pertain to the consideration of contamination only, not the viability of a surface water drainage. The suggested conditions from the EA and Environmental Health would review an informed remediation strategy and the contamination risks.

Notwithstanding the low likelihood of infiltration being viable on site, the condition from the EA relating to surface water drainage would be able to consider the risk of contamination involved with any proposed infiltration-based surface water drainage scheme if it was found later that one would be necessary, at which point it could include and secure mitigation measures as part of the required assessment of risks to controlled waters. It is noted that the EA advise they would object in the absence of this condition being attached, and while infiltration is unlikely to be viable nor proposed, as such, it has been reworded slightly attached on a precautionary basis due to the sensitivity of the site and the EA's position.

It is worth noting that unless the ditches to which the existing surface water networks connect form part of a wider watercourse network, they are effectively infiltration features in their own right as water will not outfall anywhere and instead will slowly infiltrate into the ground. While the information provided concludes that infiltration features would not be a viable method of draining the site in line with modern standards, it remains that the established surface water drainage scheme exists and would persist as existing in the event this proposal were refused.

On the basis the proposal would be supported by an informed remediation strategy, that the proposed surface water drainage strategy could include mitigation measures to minimise contamination risks, and that the proposed use poses less contamination risk than the present use, the proposal would, in any event, result in a betterment of existing contamination risks.

Foul drainage is not a consideration set out under the Class Q process, however, the applicant has advised that a sealed cess pool (non-mains drainage) system would be proposed within the wider land controlled by the applicant. This is a sealed system and a recognised method of foul water disposal. It would ensure no contamination of groundwater and it would be regularly emptied, collected, and transported off-site to a permitted facility. Such methods of non-mains drainage are covered by separate legislation, would be addressed at the Building Regulations stage, and any relevant permits would need to be secured with the EA unless the system meets their established General Binding Rules.

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

FLOOD RISK

The site is in Flood Zone 1 and would remain as such for the lifetime of the development. The site is, however, at varying levels of risk from Surface Water flooding. At present, the risk of surface water flooding does not encroach into the existing footprints of the buildings, but when accounting for Climate Change and predicted surface water flood risk between 2061-2125, plots 3, 4, and 8 could experience surface water flooding within their identified amenity spaces, and Plot 8 may experience flooding within its footprint.

All Plots other than 4 and 8 would not experience flooding depths greater than 0.2m, meaning standard building thresholds would be sufficient to prevent water ingress. Plot 4 would have a High Risk of experiencing flood depths exceeding 0.2m in external areas, but would not exceed 0.3m. The footprint of Plot 8 would not likely experience depths exceeding 0.2m, but has a Medium-High likelihood of experiencing depths exceeding 0.3m in external areas only.

Surface water flood risk to Plots 1, 2, 3, 5, 6 and 7, is low. The risk to Plots 4 and 8 is moderate, however, the risk is primarily restricted to external areas within these plots, and the applicant has provided a Flood Risk Assessment that includes mitigation measures to minimise the residual risk of flooding to these properties.

Shallow winter groundwater levels have been found at the site, and the area is identified as potentially being at risk of groundwater flooding within Arun District Council's (ADC) SFRA. While groundwater flood risk is difficult to map without site-specific intrusive investigations, a potential risk of groundwater flooding is prevalent across almost the full the district according to the ADC SFRA. Given groundwater levels rise close to the surface in this area, it is a risk that needs to be accounted for and the applicant's Flood Risk Assessment also identifies mitigation measures for this risk.

To mitigate the risk of internal groundwater flooding, a solid concrete floor is proposed for each building to act as a watertight seal to rising groundwater from below, and the external walls of the buildings are to be made resistant to water up to 600mm above ground level.

As a combined mitigation against surface water and groundwater flood risk, the following measures are also to be adopted:

- Raised wiring and power outlets,
- Non-return valves for all new drainage (including ongoing maintenance),
- Closed cell insulation for all new plumbing,
- Water-tight windows, patio doors, associated seals, and double glazing,
- Water resistant render finish with lime-based plaster finish, hydraulic lime coating or ceramic tiles,
- Horizontal plaster boarding,
- Low-absorption insulation board or semi rigid self-draining wool batts,
- Residents should sign up to Met Office weather warnings as a precautionary approach.

The access tracks and road to Barnham Lane are identified to be a 'low hazard' both now and in the future when accounting for climate change, ensuring safe access and egress should be present during the lifetime of the development. There are no known historical records of flooding at the site.

All plots, with the exception of Plots 4 and 8 are unlikely to experience internal flooding. The mitigation measures proposed would effectively reduce the risk of surface water ingress into these properties. It is noted that the EA have raised no concerns in regard to flood risk.

As a Class Q Change of Use application, no Sequential Test is required. Additionally and subsequently, the site is not within 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 would be sufficiently safe for its lifetime. The proposal is 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 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".

The applicant has confirmed that the silo to the southeast of the site and the building to the south of Plots 4, 5, and 6 are to be removed, and that this section of the wider agricultural unit would not be used for agricultural purposes, thereby removing agricultural activities that may have otherwise taken place in close proximity to the proposed dwellings.

The site already benefits from a vehicular access track and is situated a short distance from an established residential use which benefits from mains power and a water supply, meaning the introduction of services to these buildings would be practical and feasible.

While the site lies outside of the Built-up Area Boundary and within a Settlement Gap where planning permission for residential dwellings would not normally be permitted, these are not sufficient reason to object to this application and there are no clear harmful, or otherwise objectionable, reasons that the buildings could not be converted under Class Q.

DESIGN AND EXTERNAL APPEARANCE

The design of the buildings would remain clearly identifiable as agricultural conversions. The physical external works to convert the buildings are limited and entirely covered by Class Q1.(j) and do not involve unnecessary extension or complete overhauls of the external appearance.

Class Q applies to agricultural buildings and barns as a whole, and so where external appearances change more significantly, such as Plots 4, 5, and 6, it must be recognised that the existing form and design of the barn is typical for agricultural buildings and that the permitted development right must have anticipated that significant wall insertions would be required to enable conversion. As such, while this particular building would change in appearance the most out of all the units, it remains that such works are of an appropriate design. Equally, the utilitarian nature, form, and design of such buildings will inevitably persist in any such conversion, as is seen with Plots 4, 5, and 6.

The design and external appearance of the proposed units are commensurate to the nature of the development and of sufficient visual amenity. NPPF paragraph 133 sets out that all local planning authorities should prepare design guides. The Arun Design Guide outlines in Section N.01, that conversions must protect the original character and appearance of buildings, that all conversions should consider the impacts of improved thermal performance and moisture control, that conversions must also be fully accessible and compliant with Building Regulations, and that for agricultural buildings, elements essential to their character and must be retained so that they still read as agricultural forms. Accessibility is not covered within the provisions of Class Q, however, compliance with Building Regulations and any such accessibility requirements at that stage would need to be obliged. Overall, it is concluded that within the limitations of Class Q, the proposal achieves all of these points.

Within the limitations of Class Q, the proposal is in accordance with Section N.01 of the Arun Design Guide and NPPF paragraphs 131 and 135.

NATURAL LIGHT

All bedrooms are to benefit from at least one window and each unit will feature a several of windows and/or rooflights to provide natural light into relevant spaces. Plots 2 and 3 are sited immediately adjacent to each other but their neighbouring elevations have no openings that the other unit would

prejudice. 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) 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 No development hereby approved shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses.
 - potential contaminants associated with those uses.
 - a conceptual model of the site indicating sources, pathways and receptors.
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local Planning Authority. The scheme 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 in line with paragraph 187 of the NPPF. This is required to be a pre-commencement condition because contaminants could be mobilised during the construction phase.

- 2 Prior to any part of the permitted development hereby approved being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy (See Condition 1) and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan (See Condition 1) to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the NPPF.

- 3 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.

- 4 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters that must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. If such an assessment is required and approved, the development must be carried out in accordance with the approved details.

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 caused by mobilised contaminants. This is in line with paragraph 187 of the NPPF.

- 5 No development hereby approved shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, who shall consult with WSCC Highways and the council's Environmental Health Team as appropriate.

The approved CEMP shall thereafter be implemented and adhered to throughout the construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction. The CEMP shall provide details as appropriate, including but not necessarily restricted to, the following matters:

- the preferred road routing for all construction traffic associated with the development.
- provision of wheel washing facilities (details of their operation and location) and other works required to mitigate the impact of construction upon the public highway, including the provision of Temporary Traffic Regulations Orders.
- details of street sweeping.
- details of areas for the unloading, loading, parking and turning of vehicles on site.
- details of areas to be used for the storage of plant and materials associated with the development.
- contact details for the site contractor, site foreman and CDM coordinator, including out-of-hours contact details.
- details of the arrangements for public engagement/consultation prior to and during the development.
- details of any temporary traffic management that may be required to facilitate the development, including chapter 8 traffic signage.
- measures to minimise the noise and vibration generated by the construction process, to include hours of work, proposed methods of piling for foundations, the careful selection of plant and machinery and the use of noise mitigation barriers.

If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration shall also be submitted to and approved in writing by the Local Planning Authority.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints and shall be available on site and their availability made known to all relevant parties.

No demolition/construction activities shall take place other than between 08.00 hours and 18.00 hours on Monday to Friday and between 08.00 hours and 13.00 hours on Saturday with no work on Sundays or Bank/Public Holidays.

Reason: In the interests of the safety/amenity of nearby residents and occupiers of any nearby noise-sensitive premises, the safety and general amenities of the area and in the interests of highways safety in accordance with NPPF paragraphs 116 and 187(e). This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by demolition/construction staff.

- 6 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.

- 7 No part of the development hereby approved shall be occupied until the mitigation measures outlined in Section 5 of the submitted Flood Risk Assessment AEG9506_BN18_Arun_01a Produced by Aegea and dated: 22/04/2026 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.

- 8 Prior to occupation of any of the approved 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.

- 9 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. 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.

- 10 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.

- 11 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.

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

- LOCATION PLAN 2506CH_000.
- BLOCK PLAN 2506CH_001.
- PLOT 1 FLOOR PLANS AND ELEVATIONS 2506CH_100.
- PLOT 2 FLOOR PLANS AND ELEVATIONS 2506CH_101.
- PLOT 3 FLOOR PLANS AND ELEVATIONS 2506CH_102.

- PLOTS 4, 5, 6 FLOOR PLANS AND ELEVATIONS 2506CH_103.
- PLOT 7 FLOOR PLANS AND ELEVATIONS 2506CH_104.
- PLOT 8 FLOOR PLANS AND ELEVATIONS 2506CH_105.
- PLOT 9 FLOOR PLANS AND ELEVATIONS 2506CH_106.