
Appeal Decision

Site visit made on 8 September 2016

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 October 2016

Appeal Ref: APP/Z3825/W/16/3147881

Bramble Barn, The Street, Thakeham, Storrington, West Sussex RH20 3ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Simon Woodage against the decision of Horsham District Council.
 - The application Ref DC/16/0272, dated 3 November 2015, was refused by notice dated 29 March 2016.
 - The development proposed is conversion to a one bedroom dwelling.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the conversion to a one bedroom dwelling at Bramble Barn, The Street, Thakeham, Storrington, West Sussex RH20 3ER in accordance with the details submitted pursuant to application Ref DC/16/0272, dated 3 November 2015. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GPDO.

Application for costs

2. An application for costs was made by Mr Simon Woodage against Horsham District Council. This application is the subject of a separate Decision.

Main Issues

3. There is no dispute that the proposal meets the requirements of paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and therefore that it constitutes Permitted Development under Class Q, subject to the prior approval of certain matters. For Permitted Development under Class Q, namely a change of use from an agricultural building to a Class C3 dwellinghouse and building operations reasonably necessary to convert the building, paragraph Q.2 (2) of the GPDO requires prior approval of five matters. These are: (a) the transport and highways impacts of the development; (b) noise impacts; (c) contamination risks; (d) flooding risks; and (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).
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4. On the basis of the evidence submitted and the Council's reasons for refusal, the main issues in this case are:
 - whether there are contamination risks on the site; and
 - whether the location or siting of the agricultural barn makes it impractical or undesirable for the building to change use to a Class C3 dwelling house, in terms of its proximity to services such as water, power and communications.

Reasons

Contamination

5. A Contaminated Land Risk Assessment was submitted with the application that concludes that there are no significant pollutant linkages or significant uncertainties. I note that the author of the assessment did not visit the site, but based their research on mapping and other information.
6. The assessment confirms that there are or have been commercial uses in the vicinity, including a blacksmiths on nearby land that ceased operating in 1961, although no evidence has been provided of commercial uses on the site itself. The agricultural use of the surrounding land has been for keeping sheep and the barn has been for storage ancillary to the use. Nothing has been provided to suggest that the agricultural storage use would have resulted in contamination of the site. In addition, given the nature of the findings, I do not consider a site visit would have been necessary.
7. I am aware that it is open to me to include a condition requiring further investigation of the site for contamination. However, given the lack of evidence of contamination on the site, I do not consider such a condition to be necessary in this instance.
8. For these reasons, there is no evidence that conversion of the building to residential use would pose a significant possibility of harm to the health of prospective occupiers from contamination. Consequently, I conclude that prior approval should not be withheld due to contamination risks on the site.

Location or siting

9. My attention has been drawn to the Planning Practice Guidance (PPG) that suggests where an agricultural building is on the top of a hill with no road access, power source or other services its conversion is impractical. In this case, the building is located toward the top of a hill, accessed via a single lane track that is also a public right of way, 530m from the nearest highway, although only approximately 250m outside the settlement of Thakeham.
10. The access track appears to be in the ownership of the appellant, is surfaced and provides access to a limited number of other properties within Thakeham. Whilst I accept there is a lack of passing places, there would be a limited number of additional vehicles using the track to access this modest dwelling.
11. To the front of the site is a power line and the building is supplied with power from that line. I understand that the building is connected to water, although no evidence of this has been provided. Whilst it is a short distance from the village, the access track is suitable for use by a variety of vehicles and shared with a number of properties within the village. Consequently, I consider that

the road access would not be impractical or undesirable and there is a power source.

12. I accept that there may not be communication connections or other services and utilities to the site at present. However, these are available only a short distance away within the village of Thakeham such that connection to those services would not be impractical or undesirable.
13. The location toward the top of a hill means the development may be prominent in some views. However, it is an existing building to be converted and is viewed against the backdrop of trees surrounding the neighbouring field. Consequently, the limited effect of the change of use on the landscape would not be impractical or undesirable.
14. For these reasons, the building is not sufficiently divorced from services and utilities to be considered isolated and it would not be impractical or undesirable to convert the building to residential use. I conclude that prior approval should not be withheld due to the location or siting of the building making it impractical or undesirable for the agricultural barn to change to a Class C3 dwelling house.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

AJ Steen

INSPECTOR