
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/16/3150211

**Agricultural Barn, land east of Waterlands Lane, Rowhook, Horsham
RH12 3PX**

- 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 Carl Wheeler against the decision of Horsham District Council.
 - The application Ref DC/15/2682, dated 25 November 2015, was refused by notice dated 13 January 2016.
 - The development proposed is the conversion of an agricultural building to one dwelling under use class C3.
-

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 for the conversion of an agricultural building to one dwelling under use class C3 at the Agricultural Barn, land east of Waterlands Lane, Rowhook, Horsham RH12 3PX. The approval is granted in accordance with the terms of the application Ref DC/15/2682, dated 25 November 2015, and the plans submitted with it, 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 and subject to the following additional condition:

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Procedural Matters

2. The development was refused by the Council as they considered that the amount of works required to convert the agricultural building to residential use was more than could be considered reasonably necessary for the building to function as a dwelling. During the course of the appeal further information has been submitted to detail how the building would be converted and the Council
-

now accept that the works required to convert the building can be described as reasonably necessary and, as such, they conclude that the development complies with Schedule 2, Part 3, Class Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). I see no reason to disagree with their conclusion.

3. Paragraph Q.2 provides conditions including that where development complies with Class Q of the GPDO prior approval is required relating to 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).
4. The Council has considered these matters during assessment of the application and suggest no reason to withhold prior approval, subject to an additional condition requiring further investigation relating to contamination risks in order to protect the living conditions of future occupiers of the resulting dwelling. Section W (13) of Part 3 of Schedule 2 of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. I see no reason to disagree with the Council's conclusion, but have amended the wording of the Council's suggested condition to ensure that it is clear.
5. I note that there may be barn owls nesting in the building, but this is not a matter that I can consider under the GPDO. Any protected species within the building would be protected by separate legislation. Screening has been requested to the neighbouring property, but there is sufficient separation between those and the existing barn that the conversion of the building as proposed would not cause overlooking or other harm to the living conditions of occupiers of neighbouring properties.
6. For the reasons given above I conclude that the appeal should be allowed.

AJ Steen

INSPECTOR