Planning Inspectorate

Appeal Decision

Site visit made on 16 July 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 29th of July 2025

Appeal Ref: APP/Z3825/W/25/3364293
Hole Street Farmhouse, Hole Street, Wiston, Steyning

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by The Wiston Estate against the decision of Horsham District Council.
- The application reference is DC/24/1345.
- The development proposed is Prior Notification for Change of Use of agricultural building to form two dwellinghouses.

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for Prior Notification for Change of Use of agricultural building to form two dwellinghouses at Hole Street Farmhouse, Hole Street, Wiston, Steyning in accordance with the terms of the application Ref DC/24/1345 and the plans submitted with it and subject to the following additional condition: -

    a) Any contamination that is found during the course of construction of the development hereby permitted 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 until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

Preliminary Matters

2. The Application Form gives the location of the proposal as “Upper Chancton Farm, Hole Street, Wiston BN44 3DH”. However, the Decision Notice and Appeal Form identify the location as “Hole Street Farmhouse, Hole Street, Wiston, Steyning”. I have used the latter description as it identifies the location of the proposal more precisely.

3. During the consideration of the application the description of development was changed to “Prior Notification for Change of Use of Agricultural Building to form two dwellinghouses”. I have used this description in my Decision as it most accurately describes the proposal before me.

4. Schedule 2, Part 3, Section W of the GPDO sets out the prior approval process. It states that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to, enable the authority to establish whether the proposed development complies with, any conditions limitations or restrictions specified as being applicable to the development in question. It was on this basis that the Council refused to grant prior approval for the proposal under Schedule 2, Part 3, Class Q of the GDPO which relates to change of use from agricultural buildings to dwelling houses.

Main Issue

5. The main issue is whether the proposal is permitted development having regard to Schedule 2, Part 3, Class Q of the Order.

Reasons

6. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building. The dispute between the parties relates to the scope of the works necessary to make the building suitable for residential use.

7. The appeal relates to a substantial single storey building, open on one side and one gable end. It is a concrete portal frame barn fixed into a concrete floor slab. The frames support horizontal precast concrete members to which the wall and roof sheets are affixed. Some of these horizontal members are showing signs of deterioration and repairs have been carried out to them, using timber. Of particular concern to the Council is a failed eaves beam which is currently supported by timber struts.

8. The barn is roofed with corrugated cement asbestos sheets, and similar sheeting is used to provide walling on one side and one end. The sheeting shows some signs of damage and areas of the wall have been repaired using ad hoc materials. The proposal would replace the walls and roof of the barn.

9. The appellants have submitted structural evidence, which has been prepared by professional surveyors, in reports dated June 2024,by Ditchling Surveying Services, and February 2025, by Castle Consulting. This identifies that the portal frames are self-supporting, are structurally sound, and would be adequate to support the replacement walls and roof and that the frames, which provide the existing structural elements of the building, would be retained. The new walling would also provide wind-bracing for the structure.

10. Internally, the floor would be overlain to provide insulation and support for the other internal works and the external walls. The proposal would introduce internal walling, but it is clear to me from the Surveyors' Reports that these are not necessary to support the existing portal frames, walls or roof.

11. The concerns of the Council relating to the failed eaves beam relate to a member supporting the gutter to the building and the lower edge of the roof sheets. The surveyors' reports, however, demonstrate that this member is not structural as the portal frames themselves provide the fundamental support to the roof and walls.

12. I am mindful of the advice within the PPG that for the building to function as a dwelling it may be appropriate to undertake internal structural work. The PPG provides a list of examples of such works, but there is no indication that that list is to be regarded as a closed list. The proposed internal works would not, to my mind, exceed those which are necessary to make the building habitable.

13. I am further mindful of the Hibbitt judgement. That case clarified that a "conversion" of an agricultural building can constitute permitted development under Class Q, but a "rebuild" cannot and that the distinction is a matter of planning judgment. For the reasons above I have found that the proposal would, in this case, convert an existing building and that the scope of the works necessary to make it suitable for residential use do not constitute rebuilding.

14. Bringing these matters together, I am satisfied that the proposed works retain the fundamental structure of the building and are necessary and reasonable to convert the building within the requirements of the GPDO for Class Q and in the context of a court judgment and go no further so as to constitute rebuilding.

15. There is no dispute between the main parties that the scheme would otherwise meet the requirements of Part 3, Class Q.1 and, on the evidence before me, I have no basis on which to reach a contrary view.

16. The site has had a previous use that is associated with a risk of contamination. However, there is no evidence before me to suggest that, subject to the imposition of a suitable planning condition, the proposal would result in harm, and I note from the Officer's Report that the Council are satisfied that such an approach would be appropriate.

17. For these reasons, I conclude that the proposal would constitute permitted development having regard to Schedule 2, Part 3, Class Q of the GPDO.

Conditions

18. In accordance with Condition Q.2(3) of the GPDO, the approval is subject to the condition that development must be completed within a period of 3 years from the date of this decision. Paragraph W(12) of the GPDO requires the development to be carried out in accordance with the approved details.

19. The site has had uses in the past associated with a risk of contamination and so a condition is necessary to ensure that the site would not result in environmental damage through the release of contaminants. I have sought comments from the parties on this proposed condition and have taken any comments received into account in my decision.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted

I A Dyer

INSPECTOR