Planning Inspectorate

# Appeal Decision

Site visit made on 23 October 2025

**by L Gardner MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18th November 2025**

**Appeal Ref: APP/Z3825/W/25/3369471**
**Windacres Farm, Church Street, Rudgwick, West Sussex RH12 3EG**

- 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 Mr John Bailey against the decision of Horsham District Council.
- The application Ref is DC/25/0093.
- The development proposed is prior notification for change of use of agricultural building to a single dwelling.

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appeal form states that the description of the development has not changed from that stated on the application form. Nevertheless, the wording given in the appeal form differs from that used on the application form, reflecting the wording used in the Council's decision notice. I have used the wording from the appeal form in the banner heading above noting it represents more concise wording. I am satisfied that neither of the main parties have been prejudiced by this approach.

## Background and Main Issues

3. 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 Order), permits the change of use of a building that is part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses), subject to limitations and conditions set out in paragraphs Q1 and Q2.

4. The Council refused the application on the grounds that works under Class A(a) of Part 6 of Schedule 2 (agricultural buildings and operations) have taken place in the last 10 years, and that the location would make it undesirable for the building to change from agricultural use to a use falling within Class C3, with particular regard to existing activities undertaken on the wider site.

5. Given the above, the main issues are:

    - whether or not the proposal would constitute permitted development in respect to Class Q and paragraph Q1; and,

- if the proposal is found to constitute permitted development, whether the location and siting of the building would be undesirable, with particular regard to noise and disturbance.

## Reasons

*Whether permitted development*

6. Paragraph Q1 of the Order stipulates that development is not permitted, whereby development under the part of the Schedule relating to agricultural buildings and operations (Part 6) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins.

7. The main parties have referred to a detailed and complex planning history at the appeal site which includes prior notifications for agricultural buildings permitted in 2020. The appellant has confirmed that the erection of an agricultural building for a tractor and implements shed has recently been completed. This would constitute development under Part 6 of the Schedule and therefore the proposal would fail to satisfy paragraph Q1 of the Order.

8. In addition to the above, in the officer report, the Council referred to the insertion of glazed window openings concluding that these represent an alteration of a building under Part 6. The appellant contends that these openings were approved under a planning application, reference DC/20/0549, which is referred to in the Council's officer report as relating to "*retrospective application for the retention of a lean-to agricultural storage building*".

9. Given the direct relevance to the appeal proposal before me, copies of the decision notice and approved plans for this application were requested throughout the appeal process. In providing this information, the Council has accepted that three windows were approved in the plans relating to DC/20/0549.

10. However, based on the details provided, it is apparent that the planning permission which approved the building to which this appeal proposal relates, was subject to a condition which permitted the premises to be used for agricultural purposes only, and for no other purposes whatsoever without express planning consent from the Council first being obtained. It is not within the remit of the appeal before me to assess the reasonability or otherwise of this condition in respect to the relevant tests within the National Planning Policy Framework (the Framework).

11. Nothing in the Order permits development contrary to any condition imposed by any planning permission granted. The building to which the appeal proposal relates is restricted by condition to be used for agricultural purposes only. It cannot change use through Class Q. I am therefore unable to conclude that the proposal would constitute permitted development in respect of Class Q(a) of the Order.

12. As considerations in relation to prior approval are a follow-on condition stage under paragraph Q2, they can therefore only apply if the development is otherwise permitted development. The proposal would fail to constitute permitted development, there is therefore no need for me to consider whether prior approval is required.

## Conclusion

13. For the reasons given above, the appeal is dismissed.

*L Gardner*

INSPECTOR