



Appeal Decision

Site visit made on 7 July 2026

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2026

Appeal Ref: 6008220

Pemberley, Copsale Road, Maplehurst, West Sussex RH13 6QY

- 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 Miss Rebecca Wedekind against the decision of Horsham District Council.
 - The application Ref is DC/26/0279.
 - The development proposed is conversion of part of an agricultural building to a dwelling (C3 Use Class).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of part of an agricultural building to a dwelling (C3 Use Class) at Pemberley, Copsale Road, Maplehurst, West Sussex RH13 6QY in accordance with the application DC/26/0279 and the details submitted with it, including drawings labelled Block Plan, Ground Floor and Elevation.

Preliminary Matters

2. 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) (GPDO), planning permission is granted for development consisting of a 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) together with building operations reasonably necessary to convert or extend the building. Limitations to the development permitted under Class Q are set out in GPDO paragraph Q1.

Main Issues

3. The Council refused prior approval on the basis that the development would be contrary to a condition attached to permission DC/04/1463 which restricted the use of part of the building to the storage of hay, straw and machinery in connection with land outlined in blue on the approved plans. It considered that as the proposal included part of the building covered by the condition, the proposal did not constitute permitted development.
4. The Council further considered that the building's location and siting made it impractical and undesirable to be used as a dwelling because of unacceptable living conditions for future occupiers resulting from noise and disturbance from agricultural activity.

5. Consequently, the main issue in this appeal is whether the proposal constitutes permitted development; and, if it does, whether it would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, with particular reference to the limitation at paragraph Q2(1)(e).

Reasons

Whether the proposal constitutes permitted development

6. The GPDO grants planning permission for various classes of development, subject to the limitation at paragraph 3(4) that “Nothing in this Order permits development contrary to any condition imposed by a planning permission granted or deemed to be granted under Part 3 or Part 13 of the Act otherwise than by this Order”. Local planning authorities consequently have the ability, when granting planning permission, to remove “permitted development” rights for specific categories of development such that, notwithstanding the GPDO’s provisions, planning permission must be obtained from the local planning authority.
7. Subsequent case law has confirmed that, in order to exclude the operation of the GPDO, the wording of such conditions must be clear and unequivocal¹. In broad terms, conditions should indicate which use(s) are acceptable, explicitly exclude other uses, and confirm that express consent must be obtained from the local planning authority to change the use. Furthermore, the interpretation of such conditions is held to be an objective exercise which must have regard to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, and common sense².
8. The condition attached to permission DC/04/1463 stated: “The area of the building shown for storage for hay, straw and machinery in connection with the land outlined in blue shall be used for that purpose only”. The reason given was to accord with the terms of the application and to ensure that the Council retained control over the use of the building. The condition indicated which uses were acceptable and excluded other uses from this part of the building and, whilst not referring explicitly to agriculture, it can be understood as having had this purpose based on the acceptable list of uses it gave and the fact that the remainder of the building was intended for stabling.
9. However, whilst the condition identified which parts of the building were for agricultural as opposed to equestrian use, it did not refer to the GPDO nor state that express consent must be obtained from the local planning authority to change the use. Because the condition did not confirm that consent was needed for uses other than agriculture, it did not clearly and unequivocally remove permitted development rights.
10. The Council has referred me to two recent appeal decisions in which a determining issue was whether a condition limiting the use of an agricultural building precluded the use of Class Q permitted development rights. In a decision at Windacres Farm³, the Inspector noted that the planning permission which approved the building was subject to a condition that the building be used for agricultural purposes only and no other purposes without express consent being obtained from

¹ Dunoon Developments v Poole BC [1992] JPL 936, Royal London Mutual Insurance Society Ltd v SSCLG [2013] EWHC 3597, Dunnett Investments Ltd v SSCLG [2017] EWCA Civ 192.

² Trump International Golf Club Scotland Limited v Scottish Ministers [2015] UKSC 74; [2016] 1 WLR 85.

³ PINS reference APP/Z3825/W/25/3369471

the Council. The Inspector found that the condition precluded the use of Class Q rights. However, that condition differed materially from the condition in this appeal, because it confirmed that express consent needed to be obtained for a change of use.

11. In a decision at Waterland Chalet⁴, the Inspector did not examine the wording of the condition in sufficient detail for me to understand whether it contained all three necessary components. Consequently, it does not indicate that a different approach should be taken to the one I have outlined.
12. A decision by the Council to grant prior approval to convert an agricultural building to two dwellings at Westlands Farm⁵, to which both main parties have referred me, has not formed part of my reasoning. It appears likely that in that case, the original agricultural building was not controlled by a condition which limited it to agriculture.
13. Similarly, the Council's decision to grant prior approval to convert an agricultural building to two dwellinghouses at Nash Manor⁶, which the appellant has drawn to my attention, has not formed part of my reasoning. In that case, it is unclear whether the agricultural building proposed for conversion was the same building that was subject to a condition limiting its use to agriculture.
14. In conclusion, the condition would not prevent the use of Class Q permitted development rights, and consequently the proposal is not precluded by paragraph 3(4) of the GPDO. I therefore find that the proposal constitutes permitted development.

Living conditions

15. The Council argued that there is an inherent conflict between residential occupation and agricultural activity, exemplified by the proposed dwelling directly adjoining a retained agricultural use. However, the existence of Class Q permitted development rights suggests that there is a broad degree of compatibility between residential and agricultural uses. The test in paragraph Q2(1)(e) is specifically whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse.
16. Planning Practice Guidance (PPG)⁷ advises that "impractical" reflects that the location and siting would not be sensible or realistic, and gives the example of an agricultural building with no road access, power source or other services; while "undesirable" indicates that the proposal would be harmful or objectionable, an example being if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.
17. The proposal is for part of the building to remain in use for the storage of agricultural equipment in connection with the appellant's land holding. The double doors at the end of the building would be retained, to allow equipment to be moved to the fields via the existing vehicular access, which would be shared with the proposed dwelling. The dwelling would not have openings facing the area where agricultural equipment would be moved in and out of the building, and its outdoor space would face away from this area. It would however share an internal wall with

⁴ PINS reference APP/Z3825/W/25/3367156

⁵ LPA reference DC/25/0747

⁶ LPA reference DC/24/1681

⁷ Paragraph: 109 Reference ID: 13-109-20150305

the storage area, and future occupiers of the house would park their cars close to the area where agricultural equipment would be moved in and out of the building.

18. Moving agricultural equipment into and out of the building could generate a level of noise both externally and via the shared internal wall, but the relatively small size of the agricultural unit and the limited dimensions of the retained storage area indicate that the frequency and intensity of use would be low. Moreover, internal noise levels are capable of being controlled by a condition requiring the installation of appropriate acoustic measures.
19. My inspection of the site, whilst only a snapshot in time, indicated that the appeal site and surrounding area are generally tranquil. The proposed dwelling would be separated from the appellant's fields by their stable building, which would provide a buffer between it and any potentially noisy agricultural equipment in use in the fields. Activities within the stable building and the associated equestrian exercise area are unlikely to be so intensive as to harm the living conditions of future occupiers, and the Council has raised no concern in this regard. The field on the other side of the proposed dwelling, which is outside the appellant's ownership, appeared to be in use to produce hay, which is not an intensive activity.
20. The activities associated with the retained storage area and fields which I have identified are not comparable in scale or kind with the examples of undesirable agricultural activities cited in the PPG. The Council has argued that agricultural activities could change and intensify over time, but given the small size and low-key character of the agricultural unit, there is no indication of such a significant intensification occurring. Moreover, I find no reason to conclude that the proposal would place unjustified constraints on the agricultural use of the retained building. I have had regard to the comments of the Council's Environmental Protection team, which do not raise an objection to the proposal, but request a condition to deal with the potential risk of contamination.
21. The Council has referred me to an appeal decision at White House Farm⁸ in which the proximity of three proposed dwellings to undesirable agricultural activities was determinative in the appeal being dismissed. Whilst I have not been supplied with plans of the site, the decision explained that the curtilages and living spaces of the proposed dwellings would have had a very close relationship with open fronted agricultural buildings. Although farming activities had ceased, there was no limitation on the use of the buildings, and the Inspector was concerned that they could be used to house livestock, which would expose future residents to noise, smells and vehicle movements.
22. From the description provided by the Inspector, the scheme differed from the current proposal in several respects; there were several agricultural buildings; they were open-fronted and faced towards the proposed houses; and they were suited to the keeping of livestock. By contrast, the retained agricultural building on the appeal site is small and enclosed, and limited by condition to the storage of hay, straw and machinery, whilst the fields are only used to produce hay. The circumstances differ from the proposal, and I therefore afford limited weight to the Inspector's conclusions that there was a risk of agricultural activity intensifying significantly.

⁸ PINS reference APP/U2370/W/23/3319409

23. I have paid limited regard to the various appeal decisions supplied by the appellant, in which Inspectors found that proposed dwellings were compatible with continuing agricultural uses, since these sites did not exhibit similar physical characteristics to the appeal site.
24. I conclude that noise and disturbance associated with agricultural activities would not adversely impact on the living conditions of future occupiers, and nor would the proposed dwelling place constraints on the continuing use of the retained part of the building for agricultural purposes. Consequently, the location and siting of the building do not make it impractical or undesirable for part of it to be changed from agricultural use to a dwellinghouse. The proposal accords with paragraph Q2(1)(e) of the GPDO.

Other Matters

25. S66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to preserving the setting of listed buildings. Sheepwash Farmhouse is a Grade II listed building whose significance derives from its link to the area's agrarian past and its seventeenth century or earlier T-shaped timber frame and slab roof. Although abutting the vehicular access to the appeal site, Sheepwash Farmhouse is not located directly next to the agricultural building, and is screened in part from the appeal site by boundary trees and hedgerows. Overall, the proposal would have a neutral impact on the setting of the listed building and would not harm its significance.
26. Interested parties have raised concerns about conflict with the development plan, citing the refusal of two previous planning applications to convert the building to a dwelling, and the dismissal of the subsequent appeals⁹. Both applications were for planning permission, and so were judged against the policies of the development plan. By contrast, Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) grants planning permission to change the use of a building on an established agricultural unit to a dwellinghouse, subject to the limitations and conditions set out in paragraphs Q1 and Q2 of the GPDO. As I have found that the proposal satisfies these limitations and conditions, there is no inconsistency with the previous appeal decisions.
27. The previous equestrian use of part of the building does not preclude it from being within an established agricultural unit, which is the test applied by Class Q. Paragraphs Q1 and Q2 of the GPDO do not require evidence of need or proof that an onsite presence is necessary. Productive agricultural land would not be lost as a result of the proposal, and there is no indication that land stewardship elsewhere would be adversely affected. Impact on property values is not a relevant consideration in planning decisions.
28. There is nothing to indicate that the relatively low levels of traffic which would be generated by the proposal would give rise to highway concerns or cause undue disturbance to neighbouring properties, even during the construction phase. The agricultural storage area shown on the plans is existing and would not intensify the use of the access. Any unauthorised change of use beyond that which is proposed would be a matter for the local planning authority.

⁹ LPA references DC/19/2117 and DC/21/1946

29. The proposal would not increase hard surfaced areas, and so would not generate additional surface water which could affect land drainage. No evidence has been furnished that the proposal would overload local infrastructure.
30. An interested party has requested an independent review of the site history, in the interests of transparent and professional engagement, but nothing in the information before me indicates that such action is warranted.

Conclusion and conditions

31. Paragraph Q.2(4) of the GPDO requires that development must be completed within a period of three years from the date of this decision.
32. Paragraph W(12)(b) of the GPDO requires that the development must be carried out in accordance with the details provided in the application.
33. In view of the previous use of the building, it is necessary to attach a condition to manage potential contamination. The condition needs to be pre-commencement in order that the risks can be assessed and mitigated from the outset.
34. In the interests of the living conditions of future occupiers, a scheme of internal insulation should be approved and installed.
35. To ensure that foul and surface water are appropriately disposed of, the existing drainage arrangements should be utilised.
36. For the reasons given above, I conclude that the appeal scheme falls within Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, and the appeal should be allowed.

J Heppell

INSPECTOR

Schedule of Conditions

- 1) No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site be submitted to and approved in writing by the local planning authority:
 - a) 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.The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
 - b) An intrusive site investigation scheme based on (a), to provide information for a detailed risk assessment of the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site and, unless otherwise agreed in writing by the local planning authority,
 - c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
 - d) A verification plan providing details of the data that will be completed in order to demonstrate that the works set out in (c) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.The scheme shall be implemented as approved, any changes to the components must be agreed with the local planning authority.
- 2) The building shall be adapted so as to provide sound insulation against internally generated noise from the retained agricultural storage area, in accordance with a scheme which shall have been submitted to and approved by the local planning authority. The sound insulation works shall be completed before occupation of the dwelling and retained thereafter.
- 3) The dwelling shall be served by the property's existing foul and surface water drainage arrangements, which shall be maintained in perpetuity.

End of schedule