Planning Inspectorate

Appeal Decision

Site visit made on 22 September 2025

by C Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2025

Appeal Ref: APP/Z3825/W/25/3367156
Waterland Chalet, Guildford Road, Slinfold, West Sussex, RH13 0QZ

- 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 Mrs Laura Barrow against the decision of Horsham District Council.
- The application Ref is DC/25/0082.
- The development proposed is prior notification for change of use of agricultural building to 1no. dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision notice as this more succinctly describes the proposal.

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 GPDO) permits development comprising of a change of use from buildings on agricultural units and former agricultural units to a use falling within Class C3 (dwellinghouses) of Schedule 1 of the Use Classes Order and any building operations reasonably necessary to convert the building.

4. The GPDO states that the local planning authority may refuse a prior approval application where 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 that basis that the Council refused to grant prior approval.

5. Therefore, the main issues are:

   - whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO; and
   - if so, whether or not prior approval would be required in accordance with the conditions set out in paragraph Q2(1) of the GPDO.

Reasons

Whether permitted development

6. The building subject to this appeal was first granted planning permission[1] in January 2005 (hereafter the original permission) subject to a planning condition restricting its use to agricultural purposes only.

7. An Enforcement Notice (EN) was served in September 2010 alleging the change of use of the land and building to a single dwellinghouse. The EN was appealed[2] on ground (d), with the appellants at that time contending that the building had been continuously occupied as a dwelling since it was built in 2005 and was therefore immune from any enforcement action. Following a Public Inquiry, the appeal decision upheld the EN, subject to minor variations[3], and established that the alleged breach of planning control had indeed occurred.

8. The Council assert that its records indicate that the appeal building was in residential use in January 2018 and in April 2023 when Council officers had reason to visit the site. The Council's position is that the conversion works have already taken place, which were completed prior to the submission of the application that is now subject of this appeal.

9. Paragraph Q.1 of the GPDO states that development is not permitted by Class Q if (b) in the case of a site that was (but is no longer) part of an established agricultural unit – (i) the site was part of an established agricultural unit on 24 July 2023, (ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or (iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose.

10. The appeal building has a brick skirt with elevations finished in weatherboarding under a tiled roof. While the application form indicates that works have not commenced, during my site visit I observed the building has features including a window, roof lights, patio doors and a projecting flue that did not feature on the approved plans of the original permission. Internally, I observed a makeshift kitchen with sofa. Whilst it was unfurnished at first floor, it was divided into four rooms, one of which contained a fully fitted shower room, and the remaining rooms were laid with a laminate style flooring. There was no evidence present on site to indicate that the building is, or was, in use as part of an agricultural unit.

11. No compelling evidence is before me to show when the site was last in agricultural use. Very limited information from the appellant has been advanced to chronologically set out any intervening uses. Whilst it is suggested that nothing other than maintenance has occurred in 15 years, there is a lack of detail on what these works entailed. Based on what I have seen and read, I cannot be certain that the site was part of an established agricultural unit on 24 July 2023. Furthermore, given my observations on site, the building is not set up for

[1] For the 'erection of tractor, digger, trailor, dumper store/hayloft and water tanks and building for water pumps and header tanks' under planning reference DC/04/2351
[2] APP/Z3825/C/10/2137772 – the breach of planning control as alleged in the notice was without planning permission, the change of use of the Land from an agriculture use as a tractor shed to residential use as a single dwellinghouse.
[3] Varied to 'the material change of use of the agricultural building on the land to a single dwellinghouse'

agricultural use. Consequently, I cannot conclude that the proposal complies with paragraph Q.1 (i) and (iii) of the GPDO.

12. Article 3(4) 'Permitted development' of the GPDO states that nothing in the Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 or Part 13 of the Act otherwise than by this Order. It is not clear from the evidence whether the building was lawfully implemented. If it was, given the condition imposed on the original permission restricted its use to agricultural, the proposal could not then benefit from the provisions of Class Q, unless the condition was varied or removed, neither of which has been presented.

13. Additionally, at Article 3(5) of the GPDO it states that permission granted by Schedule 2 does not apply if (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful; (b) in the case of permission granted in connection with an existing use, that use is unlawful. No evidence has been provided to show that the building operations that have taken place to facilitate the conversion benefit from the necessary planning permission or certificate of lawfulness. Moreover, it has not been demonstrated that the building has been in agricultural use. Therefore, I am not satisfied that the proposal would meet this provision either.

14. Drawing the above together, the evidence leads me to find that the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Prior Approval

15. Paragraph W of Part 3, Schedule 2 of the GPDO relates to the procedure for applications for prior approval. Amongst other things it states at paragraph W(11) that development must not begin before the occurrence of one of the following - (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required; (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or (c) the expiry of 56 days following the date on which the application was received by the local planning authority without them notifying the applicant as to whether prior approval is given or refused.

16. Despite the appellants assertions to the contrary, the evidence indicates that the proposal began before all three scenarios set out above. Therefore, the proposal could not benefit from prior approval even if I had determined that it met the qualifying criteria and benefitted from permitted development.

17. Given my findings that the proposed change of use would not be development permitted under Class Q of the GPDO, there is no need for me to consider whether or not prior approval would be required in accordance with the conditions set out within paragraphs Q2(1), as it would not alter the outcome of this appeal.

Other Matters

18. The appellant suggests that the absence of objections to the proposal should weigh in favour of the scheme. Notwithstanding the outstanding objection relating to the potential effects of land contamination, and whilst the resulting scheme would boost housing supply and make sustainable use of land, these matters cannot be addressed through the prior approval provisions set out in the GPDO.

Conclusion

19. For the reasons given above the appeal should be dismissed.

C Walker

INSPECTOR