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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/Z3825/W/25/3374401

DETAILS OF THE CASE

Appeal Reference	APP/Z3825/W/25/3374401
Appeal By	MR AND MRS P SMITH
Site Address	Annies Baskets Henfield Road, Albourne HASSOCKS BN6 9JJ

SENDER DETAILS

Name	MR STEPHEN JUPP
Address	PO Box 839 Chichester PO19 9XQ

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☑ Agent
- ☐ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☑ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☐ Interested Party/Person Correspondence
- ☐ Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: Annies Baskets - PA3Q Appeal Rebuttal Nov 2025.pdf

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Annie’s Baskets, Henfield Rd, Albourne

Class Q(c) Application for Prior Approval – Change of Use of Agricultural Building from Agriculture to 1no Dwelling (C3 Use Class)



Appellant’s Rebuttal Statement

NOVEMBER 2025
APPELLANTS: MR AND MRS P SMITH
PREPARED BY: STEPHEN JUPP MRTPI, PO BOX 839, CHICHESTER ROAD, PO19 8XQ

These Final Comments are made in response to the evidence received on behalf of Horsham District Council provided to me by PINS by way of an email dated 26th November 2025.

The Appellant has sought to avoid repetition of points made by in the Appellant's Appeal Statement of October 2025 and have not sought to respond to every single point raised by the Council within their [limited] evidence. The lack of a response to any particular point within the Council's evidence cannot be taken as agreement with it.

These submissions are made in the order that the LPA have set out their evidence in respect of the three matters in dispute.

Condition 3 of planning permission DC/06/0520

It is common ground that the single issue under this matter is how one is to interpret the words 'shall be used for agricultural purposes only'.

In the Appellant's Statement of Case I set out in detail the relevant case law in respect of the wording of conditions and their effect, if any, on the rights to use permitted development rights.

The LPA do not seek to dispute this case law although they fail to mention the most similar piece of case law – namely the *City of London* case, wherein the relevant condition used the words 'limited to' which in my submission is akin to the use of the word 'only'.

Instead, the LPA seek to place weight on the 2018 permission and appear to imply that the condition was reimposed because by that time Class Q rights existed.

With due respect, that it total incorrect and in my submission wholly misleading.

As a matter of fact, the 2018 permission arose from an application to remove

condition 3 [requirement to demolish if no longer sued for agricultural purposes] from a 2006 permission. By law, the LPA is obliged to repeat those other conditions from the original consent. Accordingly, they had no option but to reimpose the use condition.

An unacceptable location?

I consider the LPAs approach on this matter to be nonsensical – there is already a dwelling is close proximity to the greenhouses, occupied by the appellants. The Morr Farm case is comparable as the intentions of the owners was found to be relevant. The same applies here. The appellant's do not intend enabling an intensive use to recommence in the greenhouse[s]. Moreover, even in its previous use they did not found the level of activity to give rise to any harms whatsoever.

The examples in the PPG do not apply in this case – there are no intensive agricultural practices along the lines of those suggested.

The LPAs refusal on this ground is not sustainable.

Extent of curtilage

I have adopted this approach on numerous cases [in excess of 50] and it has always been accepted. This was made clear in the main appeal submissions. It was also clearly set out in 4.57-4.60 of the application supporting statement, particularly at 4.59 where I stated:

> *The extent of the actual curtilage [garden] to the dwellings is indicated on Drawing 3 – Proposed Site Plan – by cross hatching and the text confirms that the curtilage of the dwelling does not exceed the footprint of the building.*

Reading the application information as a whole – as the LPA suggest – it is plain beyond peradventure that the curtilage was the cross hatched area. To conclude otherwise is unreasonable and illogical: Submitted Drawing 3 – Proposed Site Plan makes this perfectly clear.

Conclusions

For the reasons set out in the Planning Statement accompanying the prior approval application; the Appellant's Statement of Case; and, in this rebuttal, I remain of the view that this scheme meets all of the requirements set out in Class Q.

I therefore trust that inspector appointed to determine this appeal will agree with the approach to this notification which I undertook, a conclude that the proposed development fully complies with the provisions of Class Q.

Accordingly, I respectfully request that the appeal is ALLOWED.