ECE Planning

Appeal Statement of Case

Hole Street Farmhouse, Hole Street, Wiston

April 2025

Project Name:	Hole Street Farmhouse, Hole Street, Wiston
Location	Hole Street Farmhouse, Hole Street, Wiston, Steyning
Client:	The Wiston Estate
File Reference:	P2041

Issue	Date	Author	Checked	Notes
PL1	20.03.2025	S Lower	H James	Initial Draft
PL2	16.04.2025	S Lower	H James	Client Draft
PL3	17.04.2025	S Lower	H James	Planning Issue

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1. Introduction

1.1. The Appeal Statement of Case and Grounds of Appeal has been prepared by ECE Planning on the behalf of The Wiston Estate ("the Appellant") in support of this Section 78 Appeal against the refusal of prior notification by Horsham District Council ("the Council") under reference DC/24/1345 ("the Decision") on 29 October 2024, in relation to Hole Street Farmhouse, Hole Street, Wiston, Steyning, ("the Site").

1.2. The Appellant sought Full Planning Permission for the following development ("the Proposed Development"):

"Prior Notification for Change of Use of Agricultural Building to form two dwellinghouses"

1.3. The application was subsequently **refused by the Council for the following reason:**

1) *The proposal fails to demonstrate to the satisfaction of the Local Planning Authority that the building is capable of conversion without the construction of new structural elements and that the proposed building operations are reasonably necessary for the building to function as a dwellinghouse, as permitted by Class Q. The proposal therefore fails to comply with the requirements of Q.1.(j) of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*

1.4. A copy of the Decision Notice (P2041 Refusal Notice 241029) together with the documents that made up the planning application are submitted with this Statement as part of this appeal submission. Please refer to the accompanying Document List ("Documents List") for further information.

1.5. The application was refused by the Council on 29 October 2024 under reference **DC/24/1345**.

1.6. The requested Mode of Appeal is **Written Representations.**

2. The Appeal Site

2.1. The appeal site is located to the south of Hole Street, outside of any designated built-up area.

2.2. The appeal site comprises of an existing concrete frame barn (refer to Figure 1) although the extent of the barn is shown on the Site Plan (ref: 4063-S-02 Rev B). The barn subject of this Appeal lies to the east of a larger wooden pole barn which does not form part of the site.

2.3. The wider area is characterised by a mix of residential and agriculture, with residential properties located to the north of Hole Street and agricultural fields located to the south, east, and west.

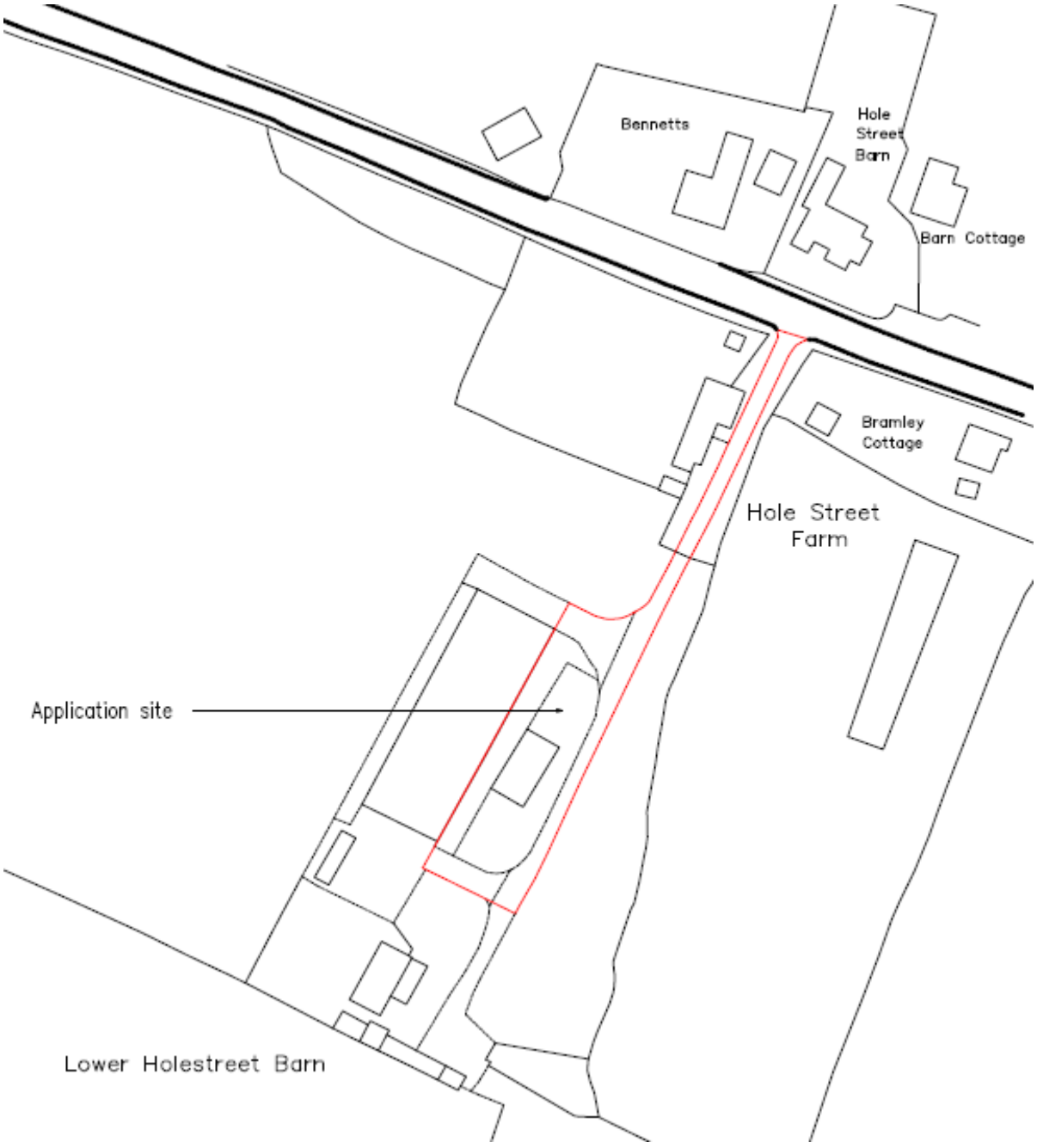


Figure 1- The Appeal Site (labelled in red)

3. Relevant Planning History

3.1. The relevant Planning History pursuant to the Appeal Site is set out below.

3.2. **Reference DC/24/1345**. Prior Notification for Change of Use of Agricultural Building to form two dwellinghouses.

3.3. The application (the subject of this Appeal) was subsequently refused on 29 October 2024 for the following reason:

1. *The proposal fails to demonstrate to the satisfaction of the Local Planning Authority that the building is capable of conversion without the construction of new structural elements and that the proposed building operations are reasonably necessary for the building to function as a dwellinghouse, as permitted by Class Q. The proposal therefore fails to comply with the requirements of Q.1.(j) of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*

3.4. Please refer to the Decision Notice at **Appendix A** for further information on the reasons for refusal.

3.5. **Reference DC/24/0219**. Prior Notification for Change of Use of 2No. Agricultural Buildings to 5No. dwellinghouses.

3.6. A previous application that included two barns (concrete framed barn and a larger wooden pole barn) was refused on 4 April 2024 for the following reasons:

1. *The proposal fails to demonstrate, to the satisfaction of the Local Planning Authority, that the buildings are capable of conversion without the construction of new structural elements and that the proposed building operations are reasonably necessary for the buildings to function as a* dwellinghouse*, as permitted by Class Q. The proposal therefore fails to comply with the requirements of Q.1.(i) of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

2. *The proposed curtilage(s) would exceed the area permitted under Paragraph X of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended*

4. The Proposal

4.1. Introduction

4.1.1. The proposals seek prior approval consent under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 to form a change of use of an agricultural building (existing concrete frame barn) to form two dwellinghouses (2 x 102 sqm).

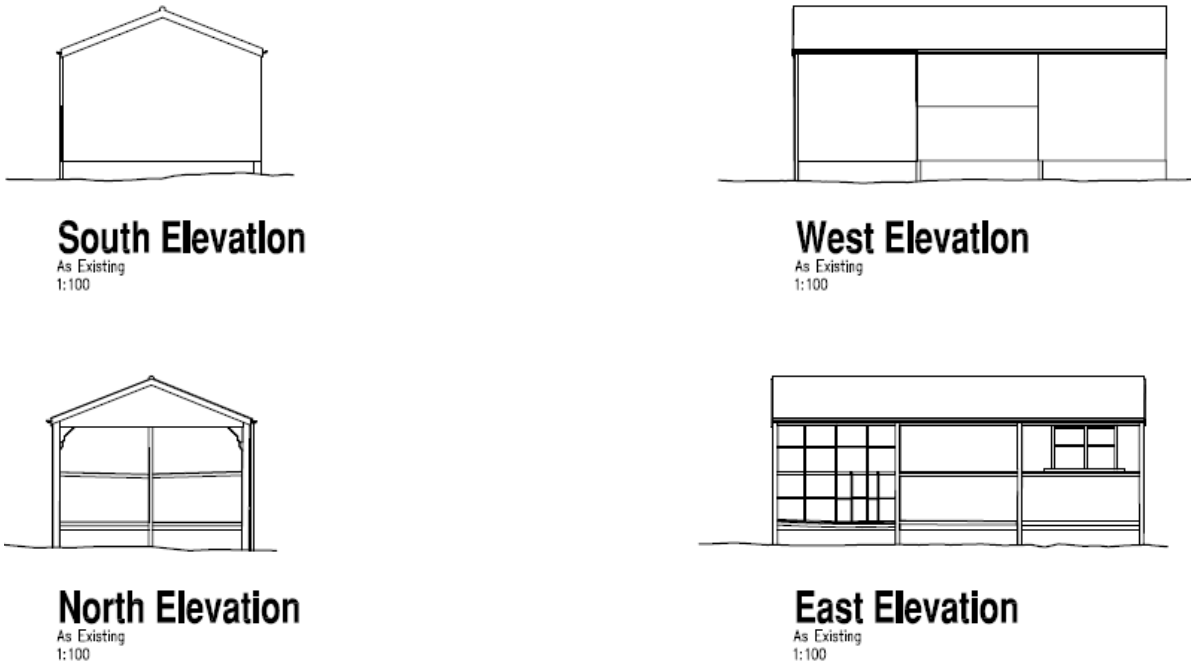


Figure 2 - Existing Elevations

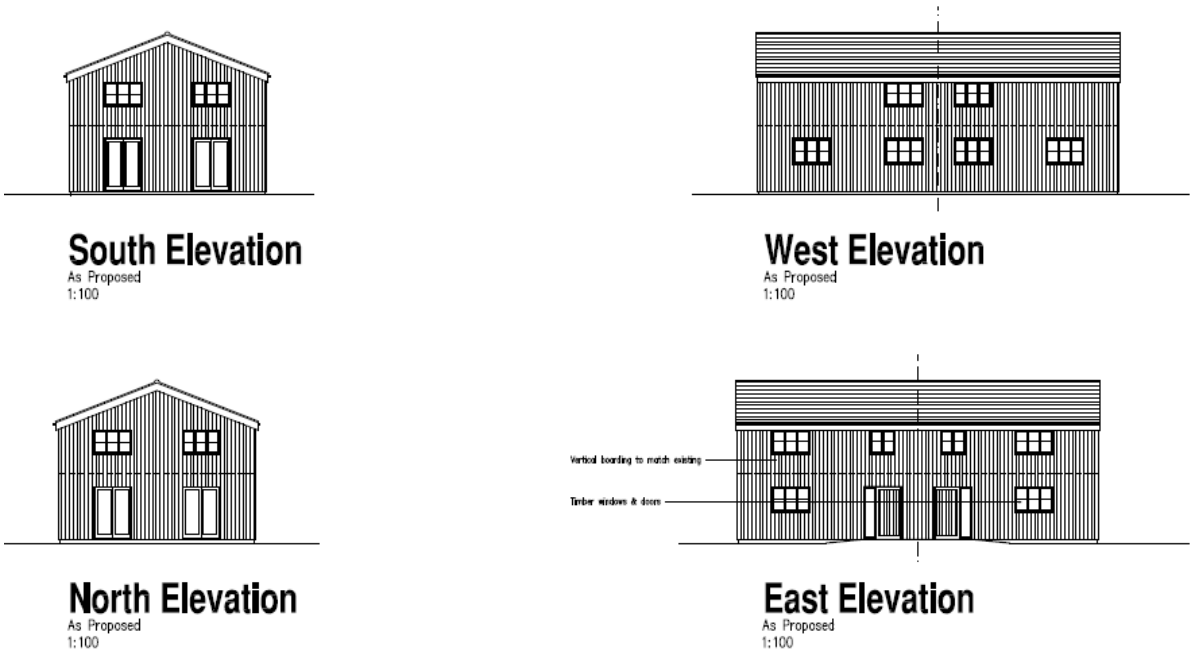


Figure 3 - Proposed Elevations

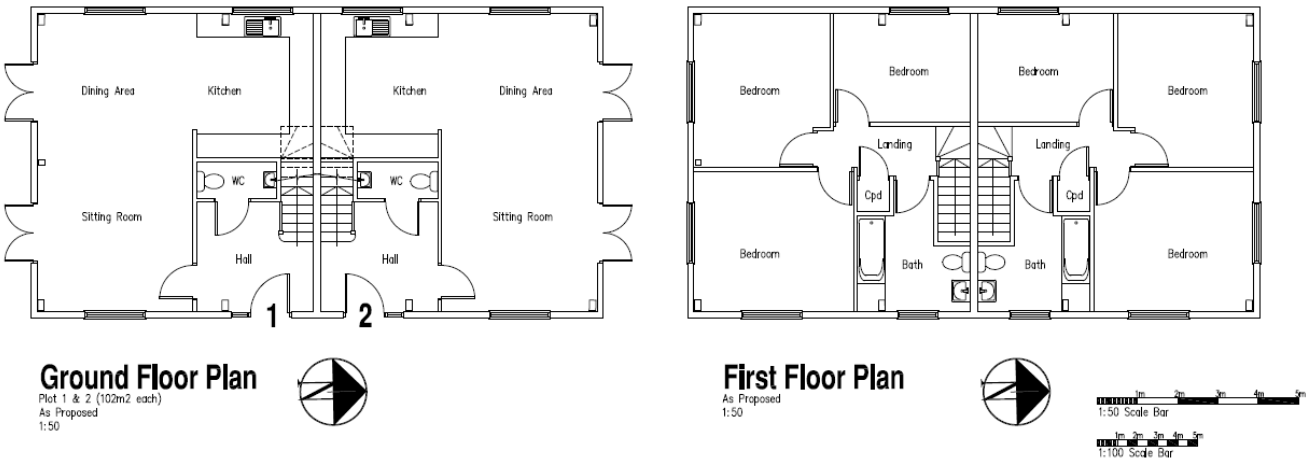


Figure 4 - Proposed Floorplans

4.1.2. The Appeal is supported by the following reports:

1. Building Survey (Ditchling Surveying Services dated 23 June 2024)
2. Report by Castle Consulting (dated 17 February 2025) to support the Appeal.
3. Letter and Plans by ArchEvolve (ARC-119-25-12-Current Revision-Existing Plans & ARC-119-25-13-Current Revision-Proposed Plans) to support the Appeal.

5. Response to the Reasons for Refusal

5.1. Introduction

5.1.1. This Appeal has been submitted following the refusal of prior approval by the Council on 29 October 2024 for the Prior Notification for Change of Use of Agricultural Building to form two dwellinghouses.

5.1.2. The Council refused the application on a singular reason which related to the structural stability of the existing building as outlined below.

5.1.3. In the following section, the Appellant addresses the Council's decision by deconstructing the reason for refusal into their constituent parts and also the associated Officer Report which goes into further detail.

5.2. Reason for Refusal – Structure of the Building

5.2.1. The reason for refusal states,

'The proposal fails to demonstrate to the satisfaction of the Local Planning Authority that the building is capable of conversion without the construction of new structural elements and that the proposed building operations are reasonably necessary for the building to function as a dwellinghouse, as permitted by Class Q. The proposal therefore fails to comply with the requirements of Q.1.(j) of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)'.

5.3. Response to the Reason of Refusal

Schedule 2, Part 3, Class Q of the GPDO 2015 permits development consisting of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or (b) building operations reasonably necessary to convert the building. However, there are specific situations listed under paragraph Q.1 where this type of development is not allowed. Additionally, paragraph Q.2 outlines the conditions under which applicants must apply to the local planning authority to see if prior approval is required.

5.3.1. Paragraph Q.1(j)(i)(aa) of the GPDO 2015 states that the development should not consist of building operations other than the installation or replacement of windows, doors, roof or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse.

5.3.2. Further guidance on the building works allowed under Class Q is contained within paragraph 105 of the Planning Practice Guidance (PPG). Amongst other things, this states that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

5.3.3. The appeal site concerns a traditional three bay Atcost concrete portal framed barn with corrugated cement sides, some of which have been partially replaced.

5.3.4. Various works are proposed to change the barn to a residential use including the replacement of some walls, insertion of windows and doors and construction of a roof all of which falls under section (j)(i) (aa) of the GDPO.

5.3.5. A Building Survey was submitted with the application produced by Ditchling Surveying Services (dated 23 June 2024) which concluded that,

'The existing concrete barn structure is structurally sound and capable of conversion without complete demolition. Replacement of the roof and wall cladding will be necessary to comply with Building Regulations, the main concrete portal frame sections are robust structural elements, new wall panels will provide wind bracing when the building is converted for living accommodation'.

5.3.6. Although this report by a Chartered Building Surveyor concluded that the barn was structurally sound, the Planning Officer disagreed with this on structural grounds.

5.3.7. It is noted in the delegated report (reference DC/24/1345) that,

'It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.'

'It was however evident from the site visit that part of the roof to the Concrete Frame Barn would need to be replaced and would require further structural support. This is not adequately shown within the Structural survey with that assessment being limited to the pictures shown within the report'.

5.3.8. New structural elements are not required to facilitate the conversion of the barn as concluded by the Building Survey (Ditchling Surveying Services dated 23 June 2024). In support of this Appeal, a further survey by Castle Consulting Surveyors has been prepared to further support the appeal that the barn is structurally sound and capable of conversion. This is prepared by a structural surveyor and directly addresses the two main objections by the council.

5.3.9. The main finding of the report (17 February 2025) concludes that,

'The assessment raises two issues with the structure of the building, firstly the failed eaves beam on the west side that is currently supported with timber struts. The assumption that this is a structural beam is not correct as the pre-stressed concrete portal frames are the load bearing members of the structure and the eaves beams, and indeed the smaller roof purlins only provide support for the roof sheets and any imposed wind or snow loadings. The eaves beam supports only the very end of the roof sheets and the rainwater gutter.

A fundamental part of the conversion of the building would be to construct new walls to create an envelope for the building, which would include the fenestration, insulation, internal and external cladding, and a means of support for new guttering. This would be comfortably robust enough to allow the removal of the eaves beam without any extra support being added, so in my opinion, the beam should not be considered a structural element'.

5.3.10. In conclusion, the 'eaves' beam is not a structurally supporting beam. Neither is it supported by timber slats. The timber panels are only in situ for wind bracing.

5.3.11. It must be noted that the wooden pallets and frames are only attached to the barn as temporary wind bracing and weather protection and have no structural role.

5.3.12. The Officer's opinion is therefore **incorrect and should be disregarded**.

5.3.13. In addition, the delegated report states that,

*'From a site inspection it was evident that the western elevation the roof was being **supported with wooden supports** and in some places the previous concrete beams in part have been **replaced with timber** with the remaining concrete wall support within this section sagging to the extent of the steel being exposed within the concrete beam where it meets the rafters.*

*Evidence of this has been excluded from the structural report. The eaves purlin supporting the roof in this location was **visibly sagging and bowed** when compared to the rest of the structure. The roof in this location therefore had subsided and with it being reasonable to conclude that additional supports appeared necessary to prevent further deterioration of the structure.*

*This would indicate that the **current structure has required additional structural work to support the existing roof rafters** and some structural works have therefore already been implemented. It is reasonable to assume therefore that the current structure would not be capable of conversion without some extensive further structural work being implemented'*

5.3.14. Mentioned upon at 5.8 of this Statement, the Officer is incorrect, and her judgement should be disregarded. It has been demonstrated by professionals (by Ditchling Surveying Services and Castle Consulting Surveyors) that the building is structurally sound and capable for conversion. The assumption that this is a structural beam is not correct, and the eaves beam supports only the very end of the roof sheets and the rainwater gutter. The wooden panels have been added for wind bracing or snow loadings only. They have no structural role or integrity. The structural support of the barn is taken from the pre installed concrete portal frames. The eaves beam could be removed once the envelope of the converted building is in place and above, it has no structural role.

5.3.15. In addition, in the Officer states that,

'It was evident from the site visit that the concrete base had large cracks within it and the floor itself had been covered with bark chippings which obscured the extent of its condition. The structural survey noted that reinforcement would be required to the foundation but does not detail the extent of the damage. In combination with the other structural works to the building the works required to the building would go beyond what is reasonably necessary to take the loading of external and internal works for the building to have the aforementioned permitted development right'.

5.3.16. With regard to the floor, the wood-bark chips laid on the floor of the barn are at least 100mm deep and the surface is still lower across its whole than the surrounding ground levels, even before any paving associated with the conversion is added. To comply with Building Regulations, even before insulation and a structural screed is laid, at least 200-300mm would need to be added to raise the levels.

5.3.17. It is reasonable to assume that on that fill, a new concrete slab would be incorporated to provide a level and even base for the internal floors, and to support the aforementioned outer walls, onto which the damp proof membrane and insulation would be laid before the finished floor treatment could be applied. Again, it should be noted that the surveyor was comfortable that the existing floor would form an acceptable sub-base and therefore the Officers judgement is incorrect.

5.3.18. The Officer concludes that,

*'Given the evidence from the site visit and the limited information within the Structural Report, it is considered that the **building is not capable of conversion without the construction of new structural elements**. It is not the intention of permitted development to include the construction of new structural elements of the building and the building has evidently required works to support the current structure within its existing use'.*

5.3.19. Based on the additional report produced by Castle Consulting the surveyor concludes,

'*The opinion of the surveyor that neither the eaves beam, nor the make-up of the floor constitute a lack of structural integrity that would prevent its conversion to residential use. The works that would, in any case, be necessary to create a habitable dwelling would render the defects identified irrelevant by replacing them with walls and a floor that are needed for the building to be useable as a dwelling and to comply with modern regulations.*

5.3.20. A further report and associated construction drawings (indicative) by ArchEvolve (ARC-119-25-12-Current Revision-Existing Plans & ARC-119-25-13-Current Revision-Proposed Plans) help to illustrate that the conversion works can be carried out without affecting the structural integrity of the building.

5.3.21. It is therefore considered that the appellant has demonstrated that the existing building is structurally strong enough to take the load as a result of the works proposed and therefore that requirements of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 are fulfilled.

5.3.22. It is considered that the Officer's opinion should be given limited weight in the context of this appeal decision. Independent reports prepared by Ditchling Surveying Services and Castle Consulting Surveyors have each concluded that the building is structurally sound and suitable for conversion to residential use.

5.3.23. As such, and mindful of paragraph Schedule 2, Part 3 of the GPDO 2015, it is considered that on the basis of the evidence presented within this appeal, the proposal would comply with paragraph Q.1(j)(i)(aa) of the GPDO 2015.

5.3.24. Paragraph 105 of the PPG states that it is only where the existing building is structurally strong enough to take the loading which comes with the external works required that the development would benefit from the permitted development right.

5.3.25. It is concluded the proposed development would fall within remit of the operations reasonably necessary to convert the building as set out in Schedule 2, Part 3 Class Q.1(j) of the GPDO 2015. The permitted development right to convert the agricultural building into a dwellinghouse therefore complies.

5.4. Water Neutrality

5.4.1. The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

5.4.2. However, under Class Q, water neutrality is not a consideration. In order to demonstrate water neutrality, a subsequent application under Section 77 of the Conservation of Habitats and Species Regulations 2017 will be required to be submitted, and development subject of this Prior Approval application could not be carried out until a decision of such application has been made.

6. Conclusions

6.1. In conclusion, the Appeal proposals for the Prior Notification for Change of Use of Agricultural Building to form two dwellinghouses is considered acceptable in accordance with the General Permitted Development) (England) Order 2015.

6.1.1. Paragraph 105 of the PPG states that it is only where the existing building is structurally strong enough to take the loading which comes with the external works required that the development would benefit from the permitted development right.

6.2. It has been demonstrated in the submitted structural reports produced by Ditchling Surveying Services and Castle Consulting Surveyors that the existing building is structurally sound and acceptable for conversion into two residential dwellings.

6.3. The Inspector is therefore respectfully requested to allow this Appeal.

Appendix A – Decision Notice DC/24/1345

Horsham District Council

Mr Huw James
ECE Planning Limited
64-68 Brighton Road
Worthing
BN11 2EN

Our ref:	DC/24/1345
Your ref:	P2041 Upper Chancton Class Q
Email:	planning@horsham.gov.uk
Direct Line:	01403 215538
If Calling Please ask for:	Hannah Darley
Date:	29th October 2024

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (General Permitted Development) (England) Order 2015
Application for Prior Approval under Schedule 2, Part 3, Class Q

Prior Notification for Change of Use of Agricultural Building to form two dwellinghouses.

Hole Street Farmhouse Hole Street Wiston Steyning

Further to the above notification which was received on 4 September 2024, I am writing to confirm that **prior approval is required and refused** for the following reason(s):

1 The proposal fails to demonstrate to the satisfaction of the Local Planning Authority that the building is capable of conversion without the construction of new structural elements and that the proposed building operations are reasonably necessary for the building to function as a dwellinghouse, as permitted by Class Q. The proposal therefore fails to comply with the requirements of Q.1.(j) of Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Community Infrastructure Levy (CIL)
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development**.

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Schedule of plans/documents
The following plans and document were considered when making the above decision:

Plan Type	Description	Drawing Number	Received Date
Location plan		4063-LOC REV A	06.09.2024
Elevation & Floor plan	Existing	4063-C-01 REV A	04.09.2024
Elevation & Floor plan	Proposed	4063-C-02 REV D	04.09.2024
Site plan	Existing	4063-S-01 REV A	04.09.2024
Site plan	Proposed	4063-S-02 REV B	04.09.2024
Supporting Docs	Building Survey	CSV/aw/805	04.09.2024
Supporting Docs	Covering Letter	JW/Let/P2041	04.09.2024

Planning permission is therefore required for the proposed development.

Appeals to the Secretary of State
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of this decision notice for a 'minor commercial' (shop front) application, and within 6 months for most other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.

Yours faithfully



Emma Parkes
Head of Development and Building Control