Statement of Case for the Local Planning Authority

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PLANNING INSPECTORATE REFERENCE: 6007717
HORSHAM DISTRICT COUNCIL REFERENCE: DC/25/1949

Town and Country Planning Act 1990

Planning appeal by **Mr Nikolas Antoniou** at:
Duckmoor barn, Wooddale Lane, Billingshurst
The appeal relates to application DC/25/1949 for the Change of use of a building to provide 9 residential units

Appeal to be determined by an Inspector appointed by the Secretary of State by way of Written Representations

14th May 2026

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1.0 INTRODUCTION AND APPEAL PROCEDURE

1.1 This Statement of Case has been prepared on behalf of the Local Planning Authority, Horsham District Council ("the Council"), in relation to an appeal made under Section 78 of the Town and Country Planning Act 1990 against the refusal of Prior Approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

1.2 The appeal relates to the following development at Duckmoor Barn, Wooddale Lane, Billingshurst:

> *'Prior Notification for Change of Use of Agricultural barn to a single dwellinghouse (Class C3)'*

1.3 This Prior Approval was refused by the Council for the reasons set out within the Decision Notice dated 21st January 2026, namely:

1.4 **Reason for Refusal 1**

The development would require building operations that go beyond those reasonably necessary to convert the existing agricultural building to a dwellinghouse. The submitted structural information confirms that the building has suffered fire damage and loss of enclosure, and the proposed plans indicate the installation of a new roof structure across the entirety of the building, together with new external walls and associated works required to create a habitable structure. The extent of works proposed would amount to the rebuilding of fundamental structural elements rather than the conversion of an existing building. The development therefore does not fall within the scope of Class Q(c) and would exceed the limitations of Class Q.1(j) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.5 **Reason for Refusal 2**

The submitted plans indicate that significant portions of the existing barn would remain outside the residential envelope and capable of continued agricultural or storage use. The proposed dwelling would therefore be directly adjacent to retained agricultural areas, resulting in an inherent conflict between residential occupation and agricultural activity. This relationship would be likely to result in unacceptable living conditions for future occupiers through noise and disturbance and would place unjustified constraints on the lawful use of the retained building. The Local Planning Authority considers that the location and siting of the building make the change of use impractical and undesirable, contrary to Class Q.2(1)(e) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.6 The Council maintains that the proposal does not constitute permitted development under Class Q and that the refusal of Prior Approval was correct having regard to the submitted plans, supporting information, the provisions of the GPDO, Planning Practice Guidance ("PPG"), and relevant appeal decisions and case law

1.7 This Statement should be read alongside:

- the Officer Report;
- the Decision Notice;
- the submitted plans and supporting documentation;
- the appellant's Statement of Case; and
- all documents submitted as part of the original Prior Approval application.

1.8 The appeal is being dealt with by way of the written representations submitted by the parties.

2.0 MAIN ISSUES

2.1 The Council considers that the key issues in this appeal are narrow and principally concern:

- the extent of building operations permitted under Class Q(c) and Q.1(j) of the GPDO; and
- whether the location and siting of the building make the proposed change of use impractical or undesirable under Class Q.2(1)(e).

2.2 The Council notes that the appellant accepts that these are the principal matters in dispute.

2.3 The appeal does not concern the wider planning merits of a new dwelling in the countryside, save insofar as matters are expressly relevant to the prior approval considerations identified within Class Q and Q2 of the GPDO.

2.4 The Council will demonstrate that:

- the proposal would involve works that go materially beyond the scope of conversion works envisaged by Class Q;
- the proposal relies upon the reconstruction of fundamental structural elements of the building, including the provision of a new roof structure and associated enclosure works;
- the submitted information contains inconsistencies between the structural appraisal and the proposed drawings regarding the extent of retained and removed built form; and
- the proposed residential use would exist in direct juxtaposition with retained agricultural building space, resulting in an impractical and undesirable relationship for the purposes of Class Q.2(1)(e).

2.5 Accordingly, for the reasons set out within this Statement, the Council respectfully requests that the appeal be dismissed.

2.6 The purpose of this written representation is not to reiterate the reasoning within the Planning Officer's delegated report but to respond to the Appellant statement of case. The matters of which are discussed in the statement below.

3.0 RESPONSE TO APPELLANT'S CASE: Class Q(c) and Q.1(j)

3.1 The Appellant contends that the appeal building is structurally sound and capable of conversion without substantial rebuilding, and that the proposed works comprise lawful building operations falling within the scope of Class Q(c) and Q.1(j) of the GPDO.

3.2 The Council does not dispute that Class Q permits a degree of operational development, including the replacement of roofs, exterior walls, doors and windows where reasonably necessary to facilitate residential use. Nor does the Council dispute that agricultural buildings may require a degree of upgrading or repair in order to function as dwellings.

3.3 However, Paragraph 105 of the Planning Practice Guidance ("PPG") makes clear that the permitted development right assumes that the agricultural building is already capable of functioning as a dwelling and that the right is not intended to permit rebuilding works which go beyond what is reasonably necessary for conversion. The relevant test is therefore not whether some replacement works are permissible in principle, but whether the cumulative extent and nature of the works proposed would amount to reconstruction of the building rather than conversion.

3.4 The Council considers that the Appellant's submissions materially understate both the extent of the existing structural deficiencies and the scale of works required to create a functioning residential building.

3.5 The structural appraisal submitted with the prior approval application confirms that the building has suffered significant fire damage, including distortion and buckling to sections of the steel portal frame together with extensive damage to the roof covering and portions of the blockwork walls. The Council acknowledges that the Appellant proposes removal of the most heavily fire-damaged western bay. However, notwithstanding those assertions, the submitted proposed drawings continue to show the overall barn structure retained, with the proposed dwelling occupying only part of the wider building footprint.

3.6 The Council considers there to be a clear inconsistency between the structural narrative advanced within the Appellant's submissions and the form of development shown on the approved plans. While the Appellant characterises the proposal as the conversion of a retained structurally sound section of the barn, the plans demonstrate that the residential unit would remain physically integrated within a larger retained agricultural structure rather than forming a clearly separate and self-contained converted building.

3.7 The Appellant further asserts that replacement of the roof and external cladding are ordinary, and lawful conversion works commonly undertaken as part of Class Q development. The Council accepts that replacement roof works can, in some circumstances, fall within the scope of Class Q. However, the Council's concern in this case is not the mere fact of roof replacement, but the extent and purpose of the works proposed.

3.8 The submitted plans show the installation of a new roof structure and covering across the entirety of the retained building. The existing roof has been substantially compromised by fire damage and no longer performs its fundamental function of enclosure and weather protection. In the Council's view, the proposal therefore does not involve the replacement of

a functioning roof as part of a conversion exercise, but rather the construction of a new roof structure necessary to create a building capable of residential occupation in the first instance.

3.9 Furthermore, the proposal would require the installation of new external walls, new structural supports and associated foundations in order to create a weather-tight and structurally stable residential unit. The structural report does not satisfactorily demonstrate that the existing foundations are capable of supporting the domestic loadings associated with the proposed development or that substantial new structural intervention would not be required.

3.10 When considered cumulatively, the Council considers that the extent of works proposed would go materially beyond the building operations reasonably necessary to convert an existing agricultural building and would instead amount to the reconstruction of fundamental structural elements required to create a habitable building.

3.11 The Council therefore maintains that the appeal proposal would exceed the limitations imposed by Class Q.1(j) and would not fall within the scope of development permitted under Class Q(c) of the GPDO.

4.0 RESPONSE TO APPELLANT'S CASE: Class Q2(1)(e)

4.1 The Appellant contends that the Council's concerns regarding the location and siting of the building are speculative and unsupported by evidence, and that there would be no unacceptable relationship between the proposed dwelling and the retained agricultural building. The Council does not agree with that position.

4.2 Class Q2(1)(e) requires the Local Planning Authority to consider whether the location or siting of the building makes the proposed change of use "otherwise impractical or undesirable". The Council's concerns in this regard do not relate to the principle of residential use within the countryside generally, nor are they based upon abstract concerns regarding rural living conditions. Rather, they arise directly from the physical arrangement and configuration of the appeal building itself.

4.3 The submitted plans demonstrate that the proposed dwelling would occupy only part of the existing barn structure, with significant areas remaining outside the proposed residential envelope. Those retained areas would remain physically attached to and directly adjoining the proposed dwelling and would remain capable of agricultural or storage use.

4.4 The Council considers that this arrangement would create an inherent and unacceptable conflict between residential occupation and agricultural activity. Habitable rooms and domestic amenity areas would be positioned immediately adjacent to retained agricultural building space, resulting in an interrelationship between the two uses which would be fundamentally different from the more typical separation that exists between converted agricultural dwellings and operational farm buildings.

4.5 The Council notes the Appellant's suggestion that retained areas could simply remain unused or that any future concerns could be addressed through planning conditions. However, the Council does not consider that such an approach would be reasonable or appropriate in this case.

4.6 Firstly, the retained parts of the building would remain physically capable of lawful agricultural or storage use. The Council does not consider it reasonable to assume, in the absence of any mechanism permanently removing such rights, that the retained structure would remain unused indefinitely.

4.7 Secondly, the Council considers that the conflict identified arises from the fundamental physical arrangement of the proposal itself rather than from a matter capable of effective mitigation by condition. The proposal would result in a residential unit being inserted directly within and adjoining a retained agricultural structure. In the Council's view, that relationship would inevitably give rise to tension between the reasonable expectations of residential occupiers and the lawful operation of the retained building.

4.8 The Council further considers that such an arrangement would be likely to place pressure upon the future operation of the retained agricultural building through complaints relating to noise, disturbance, vehicle movements, lighting, odour or general agricultural activity ordinarily associated with rural buildings of this nature.

4.9 The Appellant also asserts that there is no evidence of existing agricultural activity giving rise to harm. However, the Council's concern is not dependent upon evidence of current intensive agricultural operations. The relevant consideration under Class Q2(1)(e) is whether the location and siting of the building make the proposed change of use impractical or undesirable. In this case, the Council considers that the physical juxtaposition between the proposed dwelling and retained agricultural building space creates an inherently poor and impractical relationship irrespective of the current intensity of activity on the site.

4.10 For these reasons, the Council maintains that the proposal would result in an impractical and undesirable form of development for the purposes of Class Q2(1)(e) of the GPDO and that the second reason for refusal remains justified.

5.0 CONCLUSION

5.0 The Council has carefully considered the Appellant's Statement of Case together with the submitted plans, structural information and all other supporting material submitted in relation to the appeal proposal.

5.1 The Council maintains that the appeal proposal would not constitute permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.2 While the Council accepts that Class Q permits a degree of operational development reasonably necessary to facilitate conversion, the Council considers that the cumulative extent of works proposed in this case would go materially beyond conversion works and would instead amount to the reconstruction of fundamental structural elements required to create a building capable of residential occupation. In particular, the proposal relies upon the provision of a replacement roof structure across the retained building together with substantial associated structural intervention, new enclosure works and likely new foundations and supports. The Council therefore considers that the proposal fails to comply with the limitations imposed by Class Q.1(j) and falls outside the scope of development permitted under Class Q(c).

5.3 Furthermore, the Council considers that the proposal would result in a dwelling being inserted directly within and adjoining retained agricultural building space, creating an inherently poor and impractical relationship between residential occupation and agricultural use. The Council maintains that this relationship arises from the physical arrangement and siting of the building itself and would give rise to unacceptable conflict between the two uses. The proposal therefore fails to satisfy the requirements of Class Q2(1)(e).

5.4 For the reasons set out above, and those contained within the Officer Report and Decision Notice, the Council respectfully requests that the Inspector dismiss the appeal.