Appeal Statement of Case

Prior Approval Change of use from Class E (industrial) to Class C3 (residential)

Hayes Farm, Gay Street, Pulborough, RH20 2HL

prepared by

WPS Planning

Planning Appeal Statement
Hayes Farm

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1.0 INTRODUCTION

1.1 This Statement of Case is prepared by WPS Planning on behalf of Mr R Ramsden (the 'Appellant') in respect of a planning appeal under the provisions of S.78 of the Town and Country Planning Act (the 'Appeal').

1.2 The Appeal is against the refusal of an application for a Prior Notification (the 'Application') by Horsham District Council ('HDC'). The HDC application reference is DC/25/0763.

1.3 The Application was made in relation to Hayes Farm, Gay Street, Pulborough (the 'Appeal Site'). The development is for a change of use from light industrial workshop to a residential dwelling.

1.4 The Applications were validated on 8 May 2025, and refused under delegated officer powers on 2 July 2025, for the following reason:

> ***The proposal would be located within part of a building retained for agricultural use. Given this relationship, there is the potential for future occupiers of the dwelling to be adversely impacted by the agricultural activities undertaken within the adjoining building and wider surroundings, contrary to MA.2(1)(d) of Class MA of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.***

1.6 The consultation responses resulting from the application process which are relevant to the Appeal are as follows:

- HDC Environmental Health – Made comments in respect of the potential risks from commercial and agricultural uses, in respect of machinery and hazardous materials
- WSCC Highways – No objection

1.7 No letters of representation were received

2.0 SITE AND SURROUNDING AREA

2.1 The appeal site consists of a former agricultural unit, which has been partly converted to an industrial workshop, which is located on eastern side of Gay Street.

2.2 The site lies outside of any defined built-up area. The site is not within a conservation area and there are no Article 4 Directions covering the site.

3.0 PLANNING HISTORY OF THE APPEAL SITE

3.1 The appeal site has the following relevant planning history:

- DC/12/1244 - Retrospective application for the change of use of part of existing agricultural barn to light industrial wood working workshop – Permitted

4.0 THE PROPOSAL

4.1 The proposal is described as:

"Prior Notification for change of use from light industrial workshop to a single residential dwelling."

5.0 PLANNING LEGISLATION

5.1 Prior approval is sought for the change of use of the building to a dwelling under the provisions of Class MA of Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

Class MA - Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.

(1) Development is not permitted by Class MA—

Criterion (a) was deleted from the legislation under SI 2024 No. 141 effective from 5th
March 2024.

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Criterion (c) was deleted from the legislation under SI 2024 No. 141 effective from 5th March 2024.

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

(ii) is or forms part of a listed building or land within its curtilage;

(iii) is or forms part of a scheduled monument or land within its curtilage;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area;

(e) if the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a);

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

Criterion (g) is no longer relevant.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);

(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions
MA.2.

(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;
(b) contamination risks in relation to the building;
(c) flooding risks in relation to the building;
(d) impacts of noise from commercial premises on the intended occupiers of the development;

6.0 OVERVIEW OF APPELLANT'S CASE

6.1 The prior notification application was determined by Horsham District Council following formal consultation responses.

Assessment

6.2 The Council gave one reason for refusal in their determination of the prior notification application. Under MA2 paragraph 2 (d) An assessment of the proposal is made in terms of the *Impacts of noise from commercial premises on the intended occupiers of the development*.

> *The proposal would be located within part of a building retained for agricultural use. Given this relationship, there is the potential for future occupiers of the dwelling to be adversely impacted by the agricultural activities undertaken within the adjoining building and wider surroundings, contrary to MA.2(1)(d) of Class MA of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.*

6.3 In terms of the remaining sections of the Class MA, the Council considered the proposed change of use from commercial use to a residential dwelling met all the other relevant criteria.

6.6 Therefore, the focus of this statement will be in respect of the impact of noise on the intended occupants.

6.7 The existing building was formerly an agricultural building, which was partly converted to a light industrial workshop following planning permission in 2012. The permission did not include the whole building, leaving a section to remain for agricultural storage, as the owners still had a small piece of land and

therefore required machinery storage for use on the land. As such, the prior notification is not a part conversion, as it only relates to the light industrial workshop.

6.8 The proposal to convert the building to residential use would be for the owners use, given their existing connection to the surrounding land and therefore the requirement to retain the agricultural storage section of the building. The use relates solely to machine storage.

6.9 The remaining agricultural use of the building has been carefully evaluated and is considered not to give rise to unacceptable noise impacts on future residential occupants.

This conclusion is supported by the following considerations:

- **Operational Intensity:** The agricultural use retained within the building is of a low-intensity nature, primarily involving storage and light farming activities that do not include heavy machinery or intensive livestock rearing, thereby significantly limiting potential noise generation.
- **Physical Separation and Design:** The proposed residential dwelling will be acoustically insulated from the retained agricultural use through internal partitions, robust soundproofing measures, and layout arrangements designed explicitly to minimise noise transmission.
- **Hours of Operation:** Agricultural activities on site are restricted predominantly to standard working hours, and there will be no regular activity likely to cause disturbance during early mornings, evenings, or nighttime periods.
- **Historical Compatibility:** The building has historically operated at low intensity without generating noise-related

issues. The nature of activities proposed for the retained agricultural portion will remain unchanged or decrease, thus further reducing the potential for noise disturbance.

- **Noise Mitigation Measures:** Additional mitigation measures, such as enhanced acoustic insulation and strategic positioning of access points, will further ensure a suitable acoustic environment for the residential occupants.

6.10 In summary, the retained agricultural operations are minimal, compatible with residential occupancy, and effectively mitigated through practical design and operational management. Therefore, the proposal complies fully with Class MA requirements relating to noise considerations.

7.0 CONCLUSION

7.1 The proposed development fully aligns with all criteria specified under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015. Specifically, regarding noise concerns, the proposal demonstrates clear compliance through controlled operational intensity, effective physical separation, appropriate operational timings, compatibility with historical use, and the implementation of targeted noise mitigation strategies. Therefore, the proposal meets all requirements and is suitable for residential conversion under Class MA.

7.2 The Appeal is considered to have addressed the Council's reason for refusal in detail, and it is considered that the appeal proposal is appropriate in this location and therefore taking all matters into account, it is respectfully requested that the appeal is allowed.