

HEAL Planning & Developments Hooper Enterprise Associates Limited 11 St Marys Place Shrewsbury Shropshire SY1 1DZ Email: appeal.processing@healplanning.co.uk Telephone: 01743 369911	 The logo for HEAL Planning & Developments features the word 'HEAL' in a large, blue, serif font. Below it, the words 'PLANNING & DEVELOPMENTS' are written in a smaller, grey, sans-serif font.
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PLANNING STATEMENT

SITE: Cowshed Studio, Hammes Barn, Washington Road, Steyning BN44 3DA

APPLICANT: Peter Harman

Application Description:

This application seeks full planning permission for the change of use of an existing building from commercial use (Use Class E) to a single residential dwelling (Use Class C3) at the Cow Shed Studio, forming part of Hammes Farm.

The site was granted permission for the *Demolition of barn and erection of artist's studio for teaching and exhibition* (ref. DC/08/0677, see Appendix 1) and converted in 2009. However, Condition 3 attached to planning permission restricts the use of the building solely to an artist's studio. This condition currently prevents the lawful change of use of the building to residential purposes, including via permitted development rights under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

This application follows a previously refused Prior Approval submission for change of use under Class MA (ref. DC/26/0042, see Appendix 2). The sole reason for refusal related to the existence of the restrictive condition tied to the original permission. It stated:

The application building is subject of a condition (3) imposed under planning reference DC/08/677 which restricts use of the building as an artists studio only and for no other purpose. The change of use would not therefore be permitted by Article 3(4) of the Town and Country (General Permitted Development) (England) Order 2015, as amended or Class MA of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

A recent appeal decision (ref. APP/Z3825/W/25/3374401, see Appendix 3) at a property some 10 miles away is of relevance in considering the role and interpretation of restrictive planning conditions. In that case, the Inspector confirmed that conditions must be clearly and unequivocally worded in order to restrict the operation of permitted development rights, and that such restrictions should be interpreted objectively having regard to their wording and purpose.

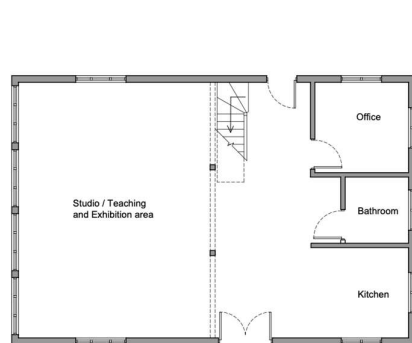
While the current proposal is not made under the same permitted development provisions, the decision illustrates the need for careful consideration of the scope and ongoing necessity of restrictive conditions. In this instance, the original condition limiting the use of the building to an artist's studio was imposed to support a specific functional need which no longer exists. The continued application of that restriction would serve no ongoing planning purpose and would unreasonably constrain the sustainable reuse of the building.

This application therefore addresses that constraint directly by seeking full planning permission for the change of use from commercial to residential.

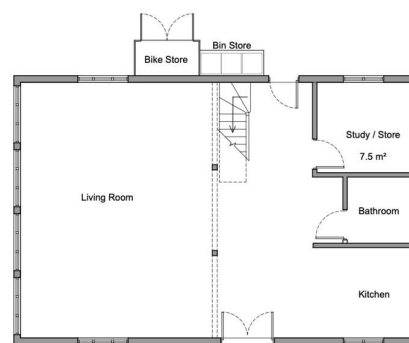
Design

The proposal does not involve any significant external alterations to the building. The development is therefore limited to a material change of use, with minor internal adaptations required to facilitate residential occupation.

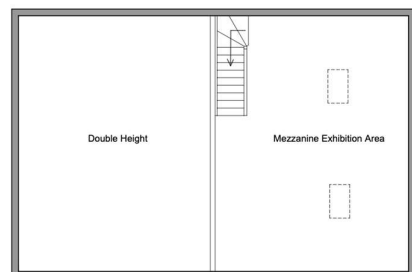
See the existing and proposed floor plans:



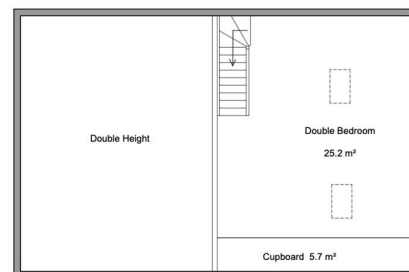
EXISTING GROUND FLOOR PLAN 1:100



PROPOSED GROUND FLOOR PLAN 1:100



EXISTING FIRST FLOOR PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100

The resulting dwelling will provide a single, high-quality residential unit with a gross internal area of approximately 113sqm, fully compliant with the Nationally Described Space Standards, including an adequate bedroom size and internal storage provision.

The proposal will also make a positive contribution to local housing supply through the reuse of an existing building, without harm to the character of the site or surrounding area.

Access

The proposal does not involve any changes to the existing access arrangements, which will remain as currently established and in use. The site benefits from an existing, functioning access from Washington Road serving the wider Hammes Farm complex, including the adjacent residential dwelling.

See the access from Street View:





Under the previous Prior Approval application (ref. DC/26/0042), the Local Highway Authority was consulted and raised no objections to the proposed change of use. This confirms that the development would not give rise to any adverse impacts in terms of highway safety, access, or traffic generation. See the highways comments below, taken from the full consultation (Appendix 4):

This application seeks prior approval for the change of use of commercial building (Use Class E) to a single residential dwelling (Use Class C3). The site is located on Washington Road, an A-classified road subject to national speed limit in this location. The existing vehicle access point is to be utilised, with no alterations proposed. From inspection of local mapping, there are no apparent visibility concerns with the existing point of access on Washington Road.

Generally, the change of use from commercial to residential would generate a reduction in material use at the site. The existing use would create a certain number of movements throughout the day, whereas the movements associated with residential use would be anticipated within network peaks. Therefore, although the nature of trips would change, the frequency would likely not exceed that of current use.

The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require two car parking spaces. From inspection of the plans, there does appear to be space to accommodate the anticipated parking demand, with space for turning. The LPA are advised that they may wish to secure cycle parking provision, to promote sustainable travel.

In summary, the prior approval is considered acceptable in highway terms.

Given that the proposal relates solely to the change of use of an existing commercial building, with no intensification, it is considered that the development is acceptable in highways terms and accords with relevant local and national planning policy.

Other Material Considerations

The application is supported by personal circumstances which weigh in favour of the proposal. The Cow Shed Studio was purpose-built in 2009 to support the professional work of the applicant's late wife, Alice Harman, a botanical artist. Following her sudden passing in April 2025, the functional need for the building as an artist's studio has ceased.

In response to this change in circumstances, the applicant - now aged 81 - has downsized from the main dwelling at Hammes Barn and wishes to reside permanently in the Cow Shed Studio. This arrangement enables him to remain living independently within a familiar environment, close to his established home and surroundings.

The applicant has acted in good faith in seeking to regularise the use of the building, initially following professional advice to pursue a change of use via the prior approval route. While that application was refused on technical grounds relating to the existing planning condition, the underlying intention, to provide suitable, modest residential accommodation within an existing building, remains unchanged.

Allowing the proposed change of use would provide a proportionate and compassionate planning outcome, enabling the applicant to continue residing in appropriate, familiar accommodation without the need for new build development or relocation. These personal circumstances are considered to carry meaningful weight as a material consideration in the determination of this application.

Site Description:

The application site comprises the Cow Shed Studio, a detached building located within the wider Hammes Farm complex. The site lies within a rural setting, with a mix of converted and ancillary buildings, both residential and commercial, associated with the farmstead.

Hammes Farm includes several buildings, notably:

- Hammes Barn; the principle dwelling occupied by the appellant
- The Bullpen; owned by the appellant and let to a family (semi-detached with Hammes Barn)
- Hammes Farmhouse; occupied by a family
- Katherine Lawrie Studio; a storeroom owned by Hammes Farm
- Cow Shed Studio; subject of this application

The Cow Shed Studio was constructed following the grant of planning permission under reference DC/08/0677 for the demolition of a former barn and the erection of an artist's studio for teaching and exhibition purposes. The building has since been used in accordance with that permission.

See photographs of the existing site:

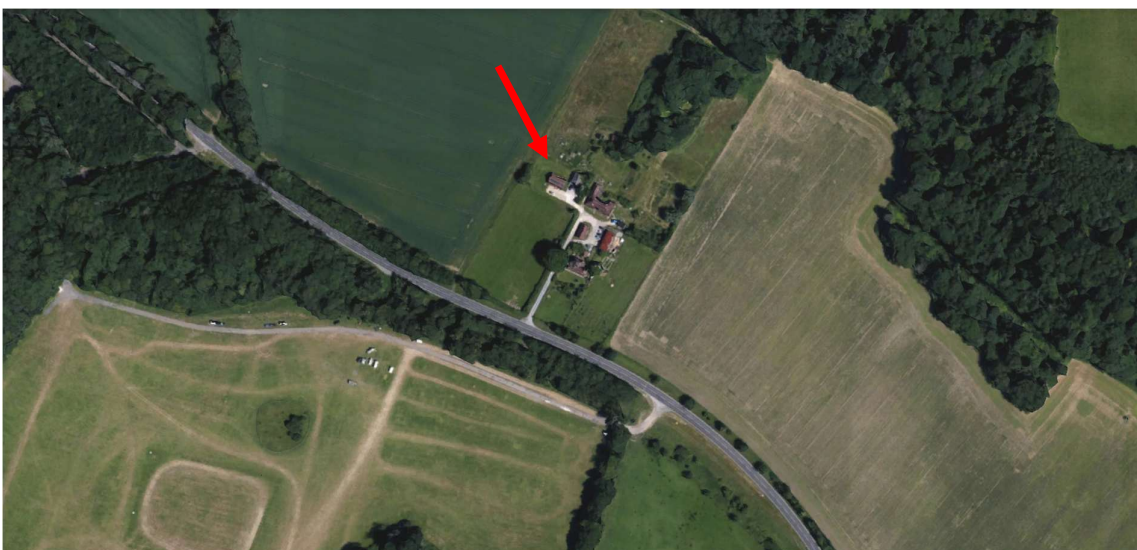


The application building is located adjacent to the main dwelling (Hammes Barn), with a close functional and spatial relationship to it. The site is accessed via the existing farm access arrangements from Washington Road.

The surrounding area is characterised by open countryside and agricultural land. The northern boundary of the South Downs National Park runs along the main road to the front of the site.

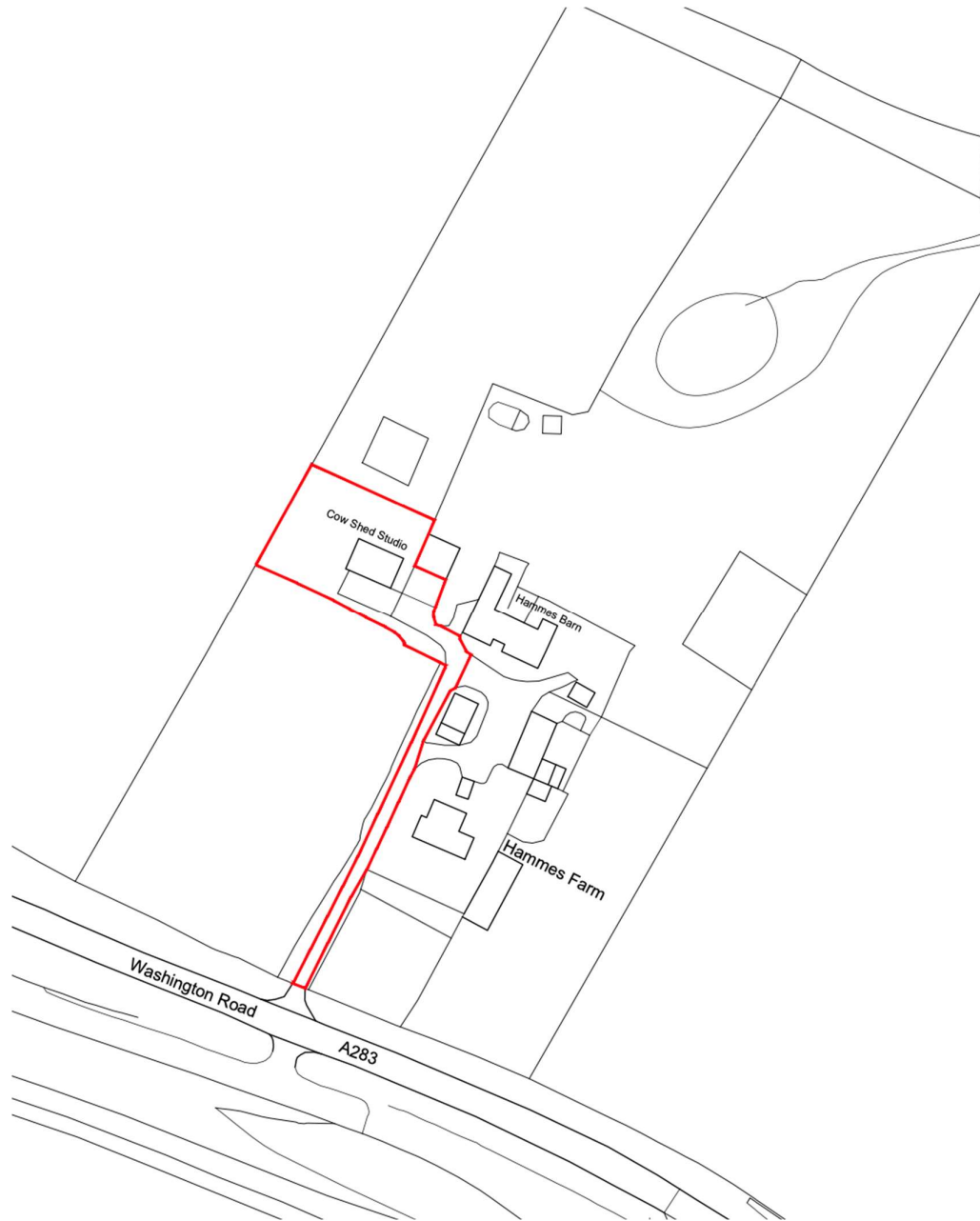
Land to the west of the site is designated for mineral extraction (sand), although this does not directly affect the application site itself.

See the site location from in satellite images below, with the Cow Shed Studio indicated by the arrow:





See the Location Plan:



The site is not isolated in planning terms, forming part of an established group of buildings with an existing residential presence. The conversion of the studio to residential use would therefore be consistent with the established pattern of development at Hammes Farm.

National Planning Policy Framework:

The NPPF 2024 sets out the Government's overarching planning policies and is a key material consideration in the determination of this application.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11), which supports proposals that accord with the development plan and, where policies are out-of-date or silent, grants permission unless adverse impacts would significantly and demonstrably outweigh the benefits.

The proposal is consistent with the objectives of Chapter 5: Delivering a sufficient supply of homes. Paragraph 61 confirms that the Government's objective is to significantly boost the supply of homes. The proposed development would contribute to this objective through the delivery of a modest, additional residential unit, making effective use of an existing building without the need for new build development.

In addition, Chapter 11: Making effective use of land is particularly relevant. Paragraph 124 encourages planning decisions that promote the effective use of land in meeting the need for homes, while paragraph 125 supports the reuse of previously developed land and existing buildings, where appropriate. The proposal represents an efficient reuse of an existing structure within an established group of buildings, thereby aligning with these objectives.

The proposal also accords with Chapter 12: Achieving well-designed places. As no external alterations are proposed, the development will preserve the attractive character and traditional appearance of the existing building and its rural setting. The internal layout has been designed to meet the NDSS, ensuring a high standard of amenity for future occupants, consistent with paragraph 135 of the NPPF.

In transport terms, Chapter 9: Promoting sustainable transport is relevant. Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. As confirmed through the previous Prior Approval process, the Local Highway Authority raised no objections, and the proposal utilises an existing access with no material change in traffic impact.

Overall, there are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

Local Planning Policy Context:

The statutory development plan for the site comprises the Horsham District Planning Framework (2015), which sets out the key strategic and development management policies.

Policy 1

Strategic Policy: Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission, unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

Policy 1 sets out the overarching presumption in favour of sustainable development, reflecting the NPPF. The proposal supports this objective by:

- Reusing an existing building
- Delivering a small-scale housing unit
- Avoiding new build development in the countryside

As such, the proposal accords with the principles of sustainable development embedded within Policy 1 and the NPPF.

Policy 2

Strategic Policy: Strategic Development

To maintain the district's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment, the spatial strategy to 2031 is to:

1. Focus development in and around the key settlement of Horsham, and allow for growth in the rest of the district in accordance with the identified settlement hierarchy.
2. Recognise and develop Horsham town's role as the primary town for the District, promoting its historic function as a market town and safeguarding its compact and attractive character, and complemented by rationalisation and redevelopment at Broadbridge Heath Quadrant.
3. Bring forward three strategic development areas of at least 2,500 dwellings immediately to the north of Horsham Town, around 600 dwellings West of Southwater, and around 150 dwellings South of Billingshurst to meet the strategic requirement for new homes, and to provide access to new employment, health, educational and recreational opportunities.
4. Bring forward a strategic mixed used opportunity at the former Novartis site in Horsham for employments, education and specialist housing at the equivalent of around 200 units.
5. Continue to support in principle the sustainable development of settlements through an appropriate scale of development which retains the existing settlement pattern over the plan period.
6. Manage development around the edges of existing settlements in order to prevent the merging of settlements and to protect the rural character and landscape.
7. Guide development form and provide access to strategic green space and recreational opportunities in and around the built-up urban areas.
8. Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
9. Identify existing sites of important employment use, and to safeguard their function through flexible policies and designation of Key Employment Areas, together with supporting the rural economy, to allow people the opportunity to work close to where they live.
10. Provide for the varied housing needs of the community in terms of tenure, affordability, care and other support needs and the specific temporary and permanent needs of the Gypsy and Travellers and Travelling Showpeople.
11. Support the provision of rural housing which contributes towards the provision of affordable housing where there is a demonstrable need.
12. Retain and enhance natural environmental resources, including landscapes and landscape character, biodiversity, and retaining and enhancing environmental quality including air, minimises energy and resource use and provides flood mitigation.
13. Support development which protects, conserves and enhances the District's built heritage whilst ensuring that new development is safe, well designed, adapts to climate change and helps to reduce the District's carbon emissions.
14. Monitor delivery of the Strategy and associated infrastructure in conjunction with partner organisations, developers and landowners.

Policy 2 supports development that meets identified needs in a sustainable manner. While primarily strategic, it reinforces the need to:

- Deliver housing

- Make efficient use of land and buildings

The proposal contributes modestly to housing supply through the reuse of an existing building.

Policy 25

Strategic Policy: The Natural Environment and Landscape Character

The Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:

1. Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.
2. Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.
3. Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.
4. Conserve and where possible enhance the setting of the South Downs National Park.

Given the proximity to the South Downs National Park, this policy is relevant. The proposal:

- Involves no material external alterations
- Preserves the existing building and rural character
- Will not result in landscape harm

Accordingly, it complies with Policy 25.

Policy 26

Strategic Policy: Countryside Protection

Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including;

1. The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;
2. The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and
3. The landform of the area.

Policy 26 seeks to protect the intrinsic character and beauty of the countryside. However, it also supports:

- Appropriate re-use of existing buildings
- Development that does not result in significant harm

As the proposal is extremely modest in scale and reuses an existing structure with no visual impact, it is consistent with this policy.

Policy 32

Strategic Policy: The Quality of New Development

High quality and inclusive design for all development in the district will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context for development. In particular, development will be expected to:

1. Provide an attractive, functional, accessible, safe and adaptable environment;
2. Complement locally distinctive characters and heritage of the district;
3. Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit;
4. Optimise the potential of the site to accommodate development and contribute to the support for suitable complementary facilities and uses; and
5. Help secure a framework of high quality open spaces which meets the identified needs of the community.

This policy requires development to be of high design quality. The proposal:

- Retains the existing building form and traditional barn character
- Provides internal accommodation that meets NDSS
- Ensures a good standard of residential amenity
-

Policy 33

Development Principles

In order to conserve and enhance the natural and built environment developments shall be required to:

1. Make efficient use of land, and prioritise the use of previously developed land and buildings whilst respecting any constraints that exist;
2. Ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development;
3. Ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views;
4. Are locally distinctive in character, respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors) and, where available and applicable, take account of the recommendations/policies of the relevant Design Statements and Character Assessments;
5. Use high standards of building materials, finishes and landscaping; and includes the provision of street furniture and public art where appropriate;
6. Presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development; and,
7. Ensure buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, unless this conflicts with the character of the surrounding townscape, landscape or topography where it is of good quality.

Proposals will also need to take the following into account where relevant:

8. Incorporate where appropriate convenient, safe and visually attractive areas for the parking of vehicles and cycles, and the storage of bins/recycling facilities without dominating the development or its surroundings;
9. Incorporate measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area; and create visually attractive frontages where adjoining streets and public spaces, including appropriate windows and doors to assist in the informal surveillance of public areas by occupants of the site;
10. Contribute to the removal of physical barriers; and,
11. Make a clear distinction between the public and private spaces within the site.

Policy 33 ensures that development does not result in unacceptable impacts on amenity. The proposal:

- Is small-scale (single dwelling)

- Sits within an existing residential context
- Will not generate harmful levels of activity

Accordingly, no adverse amenity impacts arise.

Conclusions:

This application seeks full planning permission for the change of use of the Cow Shed Studio from commercial use (Use Class E) to a single residential dwelling (Use Class C3).

The proposal represents a sustainable and logical reuse of an existing building within an established group of development at Hammes Farm. It would deliver a modest but meaningful addition to the local housing stock without giving rise to any material harm in terms of visual impact, landscape character, residential amenity, or highway safety. The development makes efficient use of land, aligns with national objectives to boost housing supply, and complies with the relevant policies of the Horsham District Planning Framework when read as a whole.

The sole constraint identified through the previous Prior Approval application relates to the restrictive condition limiting the building's use to an artist's studio. However, the original purpose of that condition has now fallen away following a significant change in circumstances. The continued enforcement of the restriction would serve no ongoing planning purpose and would unnecessarily prevent the sustainable reuse of the building.

Overall, the proposal constitutes sustainable development in accordance with the NPPF. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.

It is therefore respectfully requested that planning permission is granted allow the continued and lawful residential use of the building. This would represent a proportionate and compassionate outcome.

Recommendation:

The Planning Authority is respectfully requested to approve this application.

Hooper Enterprise Associates Limited

11 St. Mary's Place

Shrewsbury

SY1 1DZ

Appendices:

1. DC/08/0677 | Demolition of barn and erection of artist's studio for teaching and exhibition | Hammes Barn Washington Road Steyning West Sussex BN44 3DA:



Park North, North Street, Horsham, West Sussex, RH12 1RL
Tel: (01403) 215100 Fax: (01403) 215198 (Calls may be recorded)
www.horsham.gov.uk DX 57609 HORSHAM - 6
e-mail: planning@horsham.gov.uk
Ray Wright
Head of Development

Personal callers and deliveries: please come to Park North

Mr Peter Hamman
Hammes Barn
Washington Road
Steyning
West Sussex
BN44 3DA

Application Number: DC/08/0677

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

On behalf of:

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Demolition of barn and erection of artist's studio for teaching and exhibition

Hammes Barn Washington Road Steyning West Sussex

to be carried out in accordance with Plan and Application No. DC/08/0677 (as modified by the under-mentioned conditions, if any) submitted to the Council on and subject to compliance with the conditions specified hereunder.



HEAD OF DEVELOPMENT

Date: 21/05/2008

Paper certified as sustainable by an independent global forest certification organisation

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed buildings(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 3 The development hereby approved shall be used for an artists studio for teaching and exhibition and for no other purpose (including any other purpose in any class in the schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 are not considered appropriate in this case under policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 4 The use of any land for car parking shall not be commenced until details of layout surfacing and drainage thereof have been submitted to and approved by the Local Planning Authority in writing. The requirements approved shall be carried out. Such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 5 Upon the occupation of the artists studio hereby permitted the existing studio/part of the outbuilding to the east of the proposed building as shown on drawing no. 447/01 received on 1st April 2008 shall cease to be used for any purpose whatsoever and within a period of 3 months thereafter such existing part of the building shall be demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.

Reason: The site lies in an area where, under policy DC1 of the Horsham District Local Development Framework: General Development Control Policies (2007), permission for new development would not normally be granted.

- 6 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

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- 7 No works or development shall take place until full details of all hard and soft landscaping works have been approved in writing by the Local Planning Authority. All such works shall be carried out in accordance with the approved details. Any plants which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development and in the interests of amenity in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

This decision is based on the following submitted plans/documents:

Unnumbered Location plan Received 1st April 08
Unnumbered Block plan Received 1st April 08
Site, Floor, Elevations and Photo Drwg no. 447/01 Received 1st April 08
Design and Access Statement Received 1st April 08
Unnumbered Visibility Sightlines Received 1st April 08
Unnumbered Bat Survey Report Received 15th May 08

Note to Applicant

The applicant is advised that should protected species be present, work must stop and Natural England informed. A licence may be required from Natural England before works can recommence, Natural England will advise.

Note to Applicant:

In making this decision the Council has had regard to the following policy(ies) from the West Sussex Structure Plan/Local Development Framework Core Strategy/Local Development Framework General Development Control Policies:

CP1 CP3 CP15 DC1 DC2 DC9 DC40 LOC2 CH1 DEV1

REASONS FOR GRANTING PLANNING PERMISSION:

- 1 The proposal would not be obtrusive in the landscape or harmful to the visual quality of the area.

N.B. IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ENCLOSED WITH THIS FORM.

2. DC/26/0042 | Prior Notification for the Change Of Use from commercial (Use Class E) to residential (Use Class C3) to form 1no. dwelling | Cowshed Studio Hammes Barn Washington Road Steyning West Sussex BN44 3DA:



Horsham
District
Council

Todd Roper
Rathbone Miller Ltd
First Floor
39 High Street
Steyning
BN44 3YE

Our ref: DC/26/0042
Your ref: 22538 - Cowshed Studio
Email: planning@horsham.gov.uk
Direct Line: 01403 215180
If Calling Please ask for: Jacques Burrowes
Date: 6th March 2026

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 MA

Prior Notification for the Change Of Use from commercial (Use Class E) to residential (Use Class C3) to form 1no. dwelling.

Cowshed Studio Hammes Barn Washington Road Steyning

Further to the above notification which was received on 12 January 2026, I am writing to confirm that **prior approval is required and refused** for the following reason(s):

- 1 The application building is subject of a condition (3) imposed under planning reference DC/08/677 which restricts use of the building as an artists studio only and for no other purpose. The change of use would not therefore be permitted by Article 3(4) of the Town and Country (General Permitted Development) (England) Order 2015, as amended or Class MA of 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 & Block plan		22538 - 101 REV A	12.01.2026
Floor plan	Existing and Proposed	22538 - 102 REV A	13.01.2026
Elevation plan	Existing	22538 - 103	12.01.2026
Elevation plan	Proposed	22538 - 104	12.01.2026
Supporting Statement		NONE	12.01.2026
Supporting Statement		Preliminary Risk Assessment for Contamination risks and Hazardous materials.	23.01.2026

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

3. APP/Z3825/W/25/3374401 | Annies Baskets, Henfield Road, Albourne, Hassocks BN6 9JJ:



Appeal Decision

Site visit made on 10 December 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2026

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

Annies Baskets, Henfield Road, Albourne, Hassocks BN6 9JJ

- 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 Mr and Mrs P Smith against the decision of Horsham District Council.
- The application Ref is DC/25/1240.
- The development proposed is described as "prior notification for change of use of an agricultural building to 1no. dwellinghouse (C3 Use Class)".

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for change of use of an agricultural building to 1no. dwellinghouse (C3 Use Class) at Annies Baskets, Henfield Road, Albourne, Hassocks BN6 9JJ in accordance with the application DC/25/1240 and the details submitted with it, including Drawing Nos 3 (Proposed Site Plan) and 4 (Elevations and Floor Plan), and subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, planning permission is granted for development consisting of a change of use of a building that is part of an established agricultural unit and any land within that building's curtilage to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert or extend the building. Limitations to the development permitted under Class Q are set out in GPDO paragraph Q1.
3. As the appellant did not complete an application form, I have taken the address from the appellant's planning appeal form. I have omitted surplus information from the description of development, as follows: "Change of use of an agricultural building to 1no. dwellinghouse (C3 Use Class)".

Main Issues

4. The Council refused prior approval on the basis that the development would be contrary to a condition attached to permissions DC/06/0520 and DC/18/2357 which restricted the use of the building to agricultural purposes only. It considered that as a result the proposal did not constitute permitted development.
5. The Council further considered that the building's location and siting made it undesirable to be used as a dwelling because of the potential for future occupiers

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to be adversely impacted by noise and disturbance associated with agricultural activities; and that the building's curtilage was larger than the building itself and thus exceeded the limitation imposed by the GPDO.

6. Consequently, the main issue in this appeal is whether the proposal constitutes permitted development; and, if it does, whether it would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, with particular reference to the limitations at paragraphs Q2(1)(e) and Q3(1).

Reasons

Whether the proposal constitutes permitted development

7. The GPDO grants planning permission for various classes of development, subject to the limitation at paragraph 3(4) that "Nothing in this Order permits development contrary to any condition imposed by a planning permission granted or deemed to be granted under Part 3 or Part 13 of the Act otherwise than by this Order". Local planning authorities have the ability, when granting planning permission, to remove "permitted development" rights for specific categories of development such that, notwithstanding the GPDO's provisions, planning permission must be obtained from the local planning authority.
8. Subsequent case law has confirmed the right of local planning authorities to impose conditions to exclude the operation of the GPDO, provided the wording of such conditions is clear and unequivocal¹. In broad terms, conditions should indicate which use(s) are acceptable, explicitly exclude other uses, and confirm that express consent must be obtained from the local planning authority to change the use. The interpretation of such conditions is an objective exercise which must have regard to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, and common sense².
9. The condition attached to permissions DC/06/0520 and DC/18/2357 stated: "The buildings hereby permitted shall be used for agricultural purposes only, as defined in Section 336(1) of the Town and Country Planning Act 1990". It clearly defined the use to which the building could be put and explicitly limited the use to only this. However, the condition did not explain that express consent needed to be obtained from the local planning authority for uses other than agriculture. As the original permission was granted in 2006, eight years before Class Q permitted development rights were introduced, the condition could not have removed such rights.
10. The Council has argued that by reimposing the condition in 2019, when permission was granted to remove a different condition from the original permission, the condition encompassed the removal of Class Q permitted development rights, which were by then in existence. However, the Council did not amend the condition to refer to Class Q rights or to confirm that express consent was required for a change of use to a dwelling. The condition remained as it had been worded prior to Class Q rights coming into existence.
11. Since it did not refer to the GPDO or state that express consent must be obtained from the local planning authority to change the use, the wording of the condition

¹ Dunoon Developments v Foote BC [1992] JPL 936, Royal London Mutual Insurance Society Ltd v SSCLG [2013] EWHC 3597, Dunnett Investments Ltd v SSCLG [2017] EWCA Civ 192.

² Trump International Golf Club Scotland Limited v Scottish Ministers [2015] UKSC 74, [2016] 1 WLR 85.

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was not clear and unequivocal, and would not therefore prevent the use of Class Q permitted development rights.

12. Consequently, the proposal is not precluded by paragraph 3(4) of the GPDO. I therefore find that the proposal constitutes permitted development.

Noise and disturbance

13. The building is sited next to a number of buildings and glasshouses which were used until recently for horticultural purposes. It is located adjacent to the site's main access and the yard serving the buildings. Next to the yard and buildings is an existing dwelling.
14. Whilst currently not in use, the yard and buildings could be used for horticultural or agricultural purposes in the future, which would involve activity and therefore a degree of noise and disturbance. Whilst there is already a house next to the yard and buildings, it is occupied by the former operators of the horticultural business, who would have had the ability to control the activities of the business to ensure appropriate living conditions.
15. However, there is nothing to indicate that the site would generate noise beyond that which would typically be associated with an agricultural or horticultural use, and no evidence has been presented to indicate a potential level of disturbance that would be harmful to future living conditions. Moreover, the existence of Class Q permitted development rights indicates that there is a degree of compatibility between residential and agricultural/horticultural uses.
16. I have noted the appeal decision at Moor Farm³ in which an Inspector concluded that, although future occupiers could potentially be affected by farming activities, it would not render the siting and location of the proposal impractical and undesirable for the purposes of Class Q. Whilst the circumstances in that case differed in some respects, I have afforded it moderate weight.
17. I conclude that noise and disturbance associated with agricultural activities would not adversely impact on the living conditions of future occupiers, and consequently the location and siting of the building do not make it undesirable for it to change from agricultural use to a dwellinghouse. The proposal accords with paragraph Q2(1)(e) of the GPDO.

Size of the curtilage

18. Class Q rights apply to a building that is part of an established agricultural unit and any land within that building's curtilage. The GPDO defines the curtilage as an area of land immediately beside or around the building no larger than the land area occupied by that building.
19. The appellant's plans included a red line, showing an area of curtilage the same size as the building. The red line also included the entrance to the site, which the appellant advised they were required to do in order to demonstrate access to the public highway. Because the access is shared with the horticultural business and the existing dwelling, I consider that it is not within the building's curtilage. In this respect, I have had regard to the appeal at Robinsons Farm⁴, where an Inspector

³ PINS reference APP/J1860/W/24/3344968

⁴ PINS reference APP/J2370/W/24/3342103

concluded that the site access did not form part of a building's curtilage for the purposes of Class Q.

20. On the basis that the appellant's plans identified a curtilage around the building no larger than the building itself, the limitation imposed by the GPDO is not exceeded. Consequently, the proposal accords with paragraph Q3(1) of the GPDO.

Conclusion and conditions

21. Paragraph Q.2(4) of the GPDO requires that development must be completed within a period of three years from the date of this decision.
22. Paragraph W(12)(b) of the GPDO requires that the development must be carried out in accordance with the details provided in the application.
23. I have attached a condition to deal with potential contamination. In view of the fact that the building is modern and I have not been advised that contaminants have been used within it, the condition requires that appropriate action be taken in the event that contaminants are found.
24. To prevent light pollution in the countryside, I have attached a condition requiring details of external lighting to be submitted for approval.
25. For the reasons given above, I conclude that the appeal scheme falls within Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, and the appeal should be allowed.

J Heppell

INSPECTOR

4. DC/26/0042 Highways Consultation response:

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO: Jacques Burrowes
FROM:	Highways, WSCC
DATE:	04/02/2026
LOCATION:	Cowshed Studio, Hammes Barn, Washington Road, Steyning, BN44 3DA
SUBJECT:	DC/26/0042 Prior Notification for the Change Of Use from commercial (Use Class E) to residential (Use Class C3) to form 1no. dwelling.
DATE OF SITE VISIT:	N/A
RECOMMENDATION:	Advice
S106 CONTRIBUTION TOTAL:	£N/A

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from commercial (Use Class E) to residential (Class C3) subject first to prior approval being granted. As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport. However, the GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

This application seeks prior approval for the change of use of commercial building (Use Class E) to a single residential dwelling (Use Class C3). The site is located on Washington Road, an A-classified road subject to national speed limit in this location. The existing vehicle access point is to be utilised, with no alterations proposed. From inspection of local mapping, there are no apparent visibility concerns with the existing point of access on Washington Road.

Generally, the change of use from commercial to residential would generate a reduction in material use at the site. The existing use would create a certain number of movements throughout the day, whereas the movements associated with residential use would be anticipated within network peaks. Therefore, although the nature of trips would change, the frequency would likely not exceed that of current use.

The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require two car parking spaces. From inspection of the plans, there does appear to be space to accommodate the anticipated parking demand, with space for turning. The LPA are advised that they may wish to secure cycle parking provision, to promote sustainable travel.

In summary, the prior approval is considered acceptable in highway terms.

Kyran Schneider
West Sussex County Council – Planning Services