n.j.a town planning Ltd

Applications & Appeals Services

APPEAL UNDER S.78 OF THE
TOWN & COUNTRY PLANNING ACT 1990

Statement Of Case

In respect of

Duckmoor Barn, Wooddale Lane, Billingshurst, West Sussex, RH14 9DZ



Appellant: Mr and Mrs Sherlock

LPA Ref: DC/25/1949

April 2026

Nikolas J. Antoniou BSc (Hons) DipTP MRTPI

NIKOLAS JAMES ANTONIOU

I hold a Bachelor of Science with Honours Degree and Post Graduate Diploma from the University of Wales, College of Cardiff, in City and Regional Planning and have been a Member of the Royal Town Planning Institute since 1999.

I have over 25 years of experience in Town Planning and have held senior positions in Local Government the most notable being Head of Development Control at Arun District Council. I have worked for national planning consultancies and also held the position of Planning Manager for a house building firm.

For a number of years, I have been the Director of NJA Town Planning Ltd and undertake the full range of planning work across a wide geographical area serving the needs of private individuals, private estates and commercial businesses.

I am familiar with the appeal site, the Local Planning Authority and its policies.

CONTENTS PAGE

1. INTRODUCTION 2
2. APPEAL SITE AND SURROUNDINGS 4
3. APPEAL PROPOSAL 7
4. PLANNING HISTORY & BACKGROUND 11
5. RELEVANT PLANNING POLICY 13
6. APPRAISAL OF THE APPEAL PROPOSAL 15
7. CONCLUSION 28

APPENDICES

Appendix NJA/01 - Decision Notice for Application Ref: DC/25/1949 at Duckmoor Barn

Appendix NJA/02 - Delegated Report for Application Ref: DC/25/1949 at Duckmoor Barn

Appendix NJA/03 - Delegated Report for Application Ref: DC/25/0789 at Land North of Freeland House

Appendix NJA/04 - Appeal Decision APP/J1860/W/22/3294191 at Woodend Farm, Broadwas

Appendix NJA/05 - Appeal Decision APP/Q3115/W/23/3317169 at Poachers Cottage, Henley On Thames

Appendix NJA/06 - Appeal Decision APP/N1025/W/22/3311865 at Little Owl Farm, Dale Abbey

1. INTRODUCTION

1.1 This appeal is against the refusal of planning permission by Horsham District Council as Local Planning Authority, for the ***"Prior Notification for Change of Use of Agricultural barn to a single dwellinghouse (Class C3)"*** at Duckmoor Barn, Wooddale Lane, Billingshurst, West Sussex, RH14 9DZ. NJA Town Planning Ltd has been instructed by Mr and Mrs Sherlock to appeal against this refusal of prior approval for the proposed change of use by the Council.

1.2 The application subject of this appeal (ref: DC/25/1949) was determined by the Council on the 21st January 2026. The application was refused for the following reasons:

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).***

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).

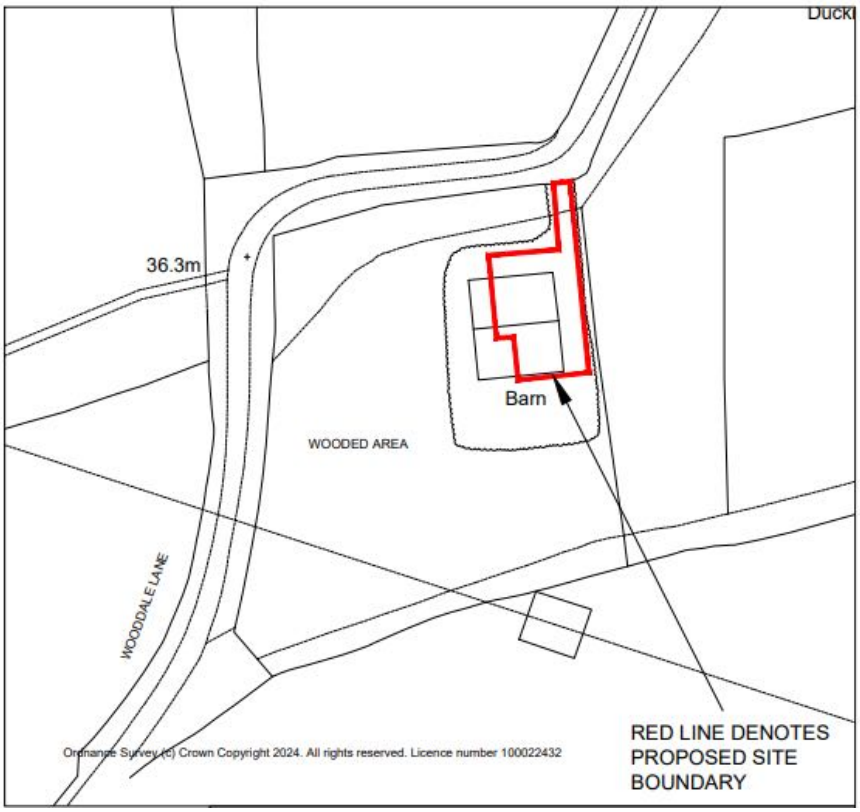
1.3 A copy of the Decision Notice is provided at Appendix NJA/01.

1.4 In this Statement of Case, the Appellant sets out the matters relevant to the Appeal, where these have not already been addressed within the documents submitted with the prior approval application. The Statement focuses on the relevant provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the "GPDO"), together with the specific prior approval matters identified by the Council in its reasons for refusal. Where relevant, reference is also made to national policy and guidance insofar as these are material to the interpretation and application of Class Q.

2. APPEAL SITE AND SURROUNDINGS

2.1 The application site comprises an agricultural barn within an agricultural holding situated in the countryside, approximately 1km to the east of Billingshurst.

Figure 2.1 - Site Location Plan



Source: DMA Building Designs (2025)

2.2 The barn is standalone with no buildings on the site and is largely surrounded by woodland. The site is accessed via a track/drive leading from Wooddale Lane to the north and would serve the residential dwelling. The site has been used solely for agricultural purposes.

2.3 The barn is formed of a steel frame with corrugated sheet cladding and a fibre cement roof over. The western portion of the existing barn does not form part of the prior notification proposal as set out further in section 6 of this appeal statement.

2.4 As illustrated on the accompanying aerial plan in Figure 2.2 below, the appeal site does not exist in isolation but forms part of a broader pattern of dispersed built form within the countryside.

In this context, the appeal building is not an isolated or unusual structure, and its conversion to residential use would sit comfortably alongside existing nearby dwellings. The site also benefits from an established access onto Wooddale Lane, providing a clear and practical route to Billingshurst and surrounding services. This wider spatial context assists in understanding how the building would function as a dwelling in practice and reinforces that its location and siting are not inherently impractical or undesirable.

Figure 2.2 – Surrounding Residential Development



Source: Google Maps (2026)

2.5 A selection of photographs of the barn which is the subject of this Class Q proposal follows:







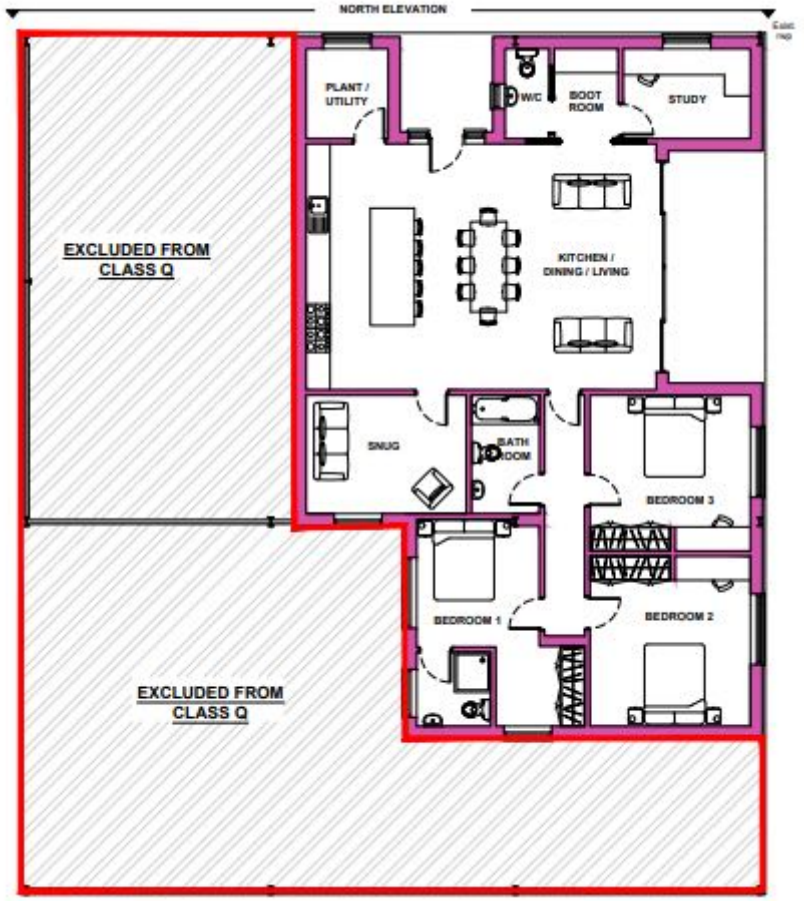

Source: NJA Town Planning Ltd (2025)

3. APPEAL PROPOSAL

3.1 The appeal proposal is to convert the ground floor of the agricultural barn into a residential dwelling as "previously permitted development" in accordance with the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the "GPDO").

3.2 The barn would be converted to 1no. single-storey five-bedroom dwelling. The dwelling would measure 273.5sqm in floor area (GIA). A square portion of the existing barn on the western elevation has been excluded from this Class Q application and would not be altered as a result of this prior approval application except for replacing the roof. Figure 3.1 below sets out the proposed floor plan.

Figure 3.1 - Proposed Floor Plan



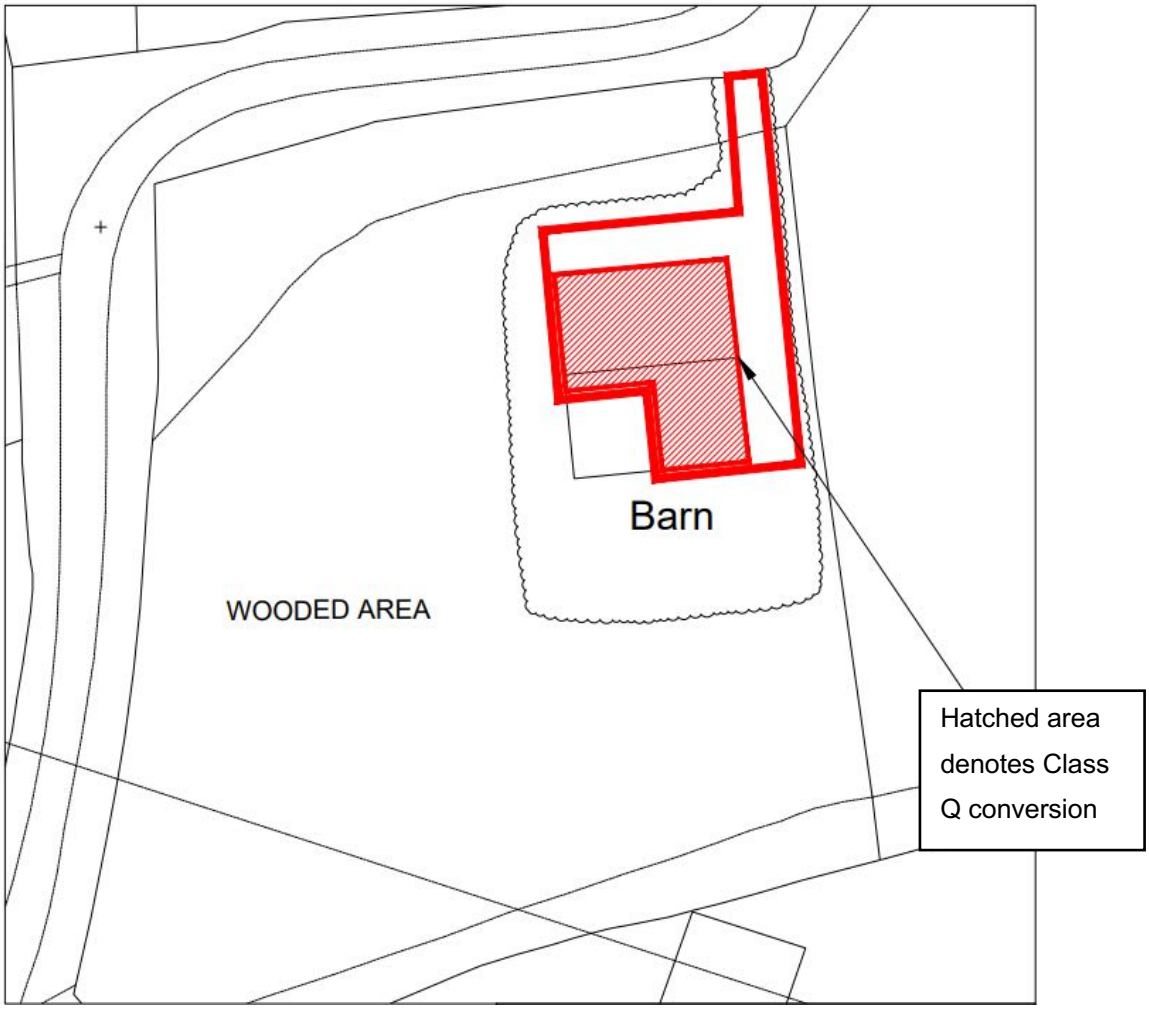
Source: DMA Building Designs (2025)

3.3 The proposed development would maintain and re-use the existing frame of the barn. The existing barn is largely open-sided, with partial enclosure provided by corrugated

sheet cladding to sections of the elevations, including the southern elevation and gable ends, together with low-level blockwork to parts of the southern and western elevations. The north and east elevations would be enclosed and finished in timber cladding. Fenestration/ openings will be also introduced on these elevations. The existing enclosed south and west elevations would be replaced to match the timber cladding of the other elevations with additional fenestration/ openings also added to these elevations. An updated roof structure is also proposed. None of these proposed changes would alter the external dimensions of the building.

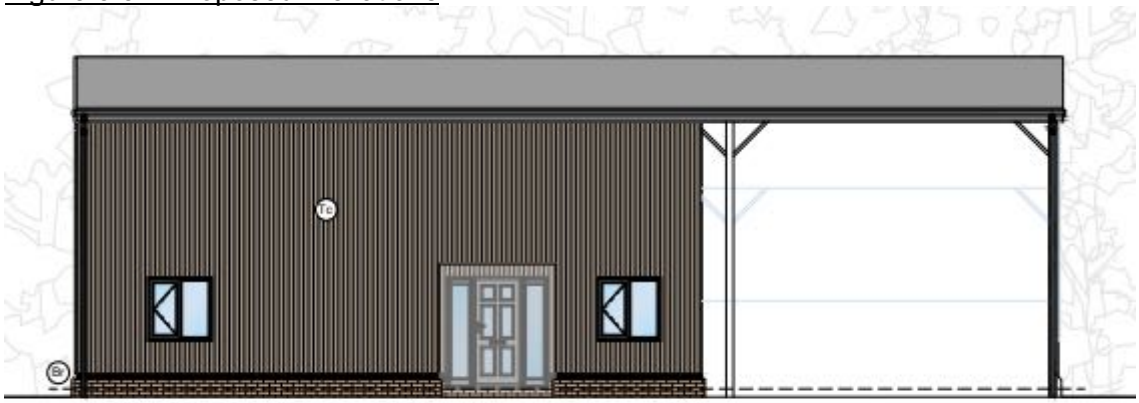
3.4 The proposal would also include parking and external amenity space for the dwelling within the curtilage of the dwelling. Plans and elevations of the proposal are provided below along with the proposed Block Plan.

Figure 3.2 – Proposed Block Plan

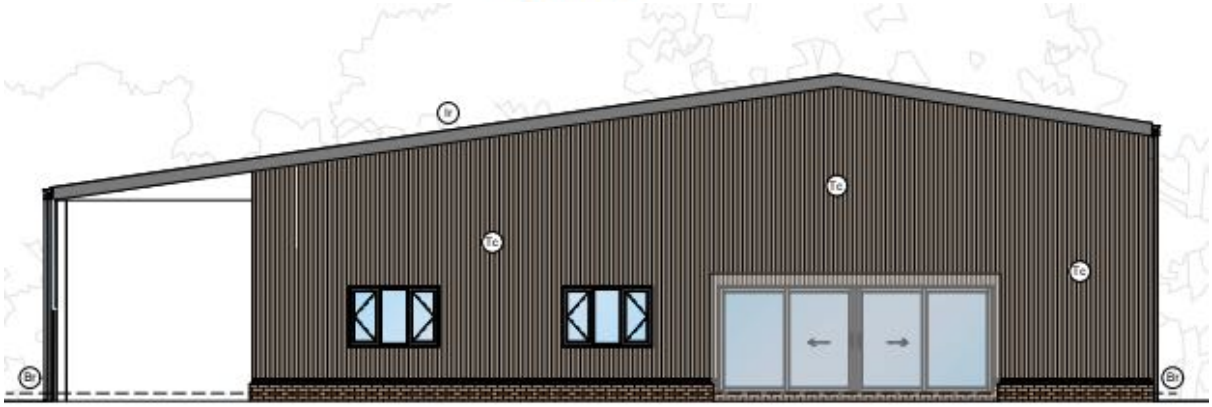


Source: DMA Building Designs (2025)

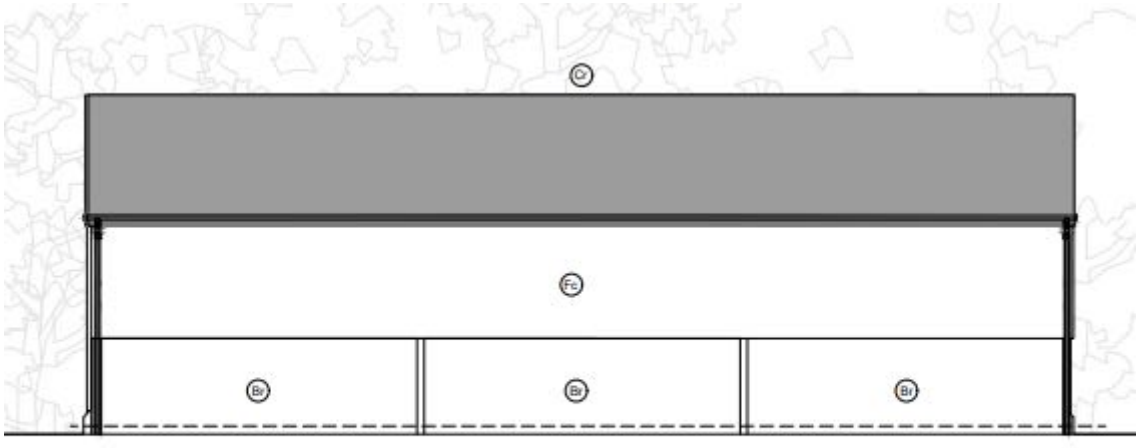
Figure 3.3 – Proposed Elevations



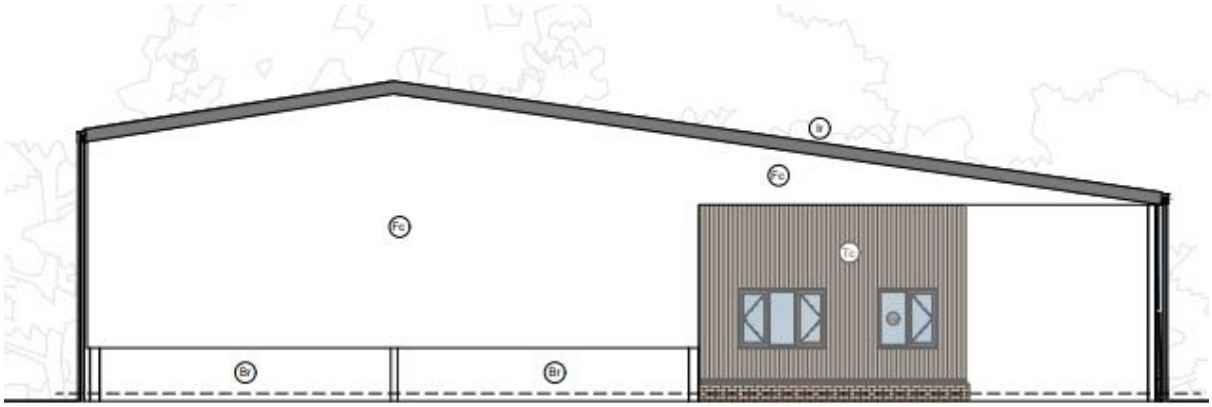
PROPOSED NORTH ELEVATION
SCALE 1:100



PROPOSED EAST ELEVATION
SCALE 1:100



PROPOSED SOUTH ELEVATION
SCALE 1:100



PROPOSED WEST ELEVATION
SCALE 1:100

Source: DMA Building Designs (2025)

4. PLANNING HISTORY & BACKGROUND

4.1 Table 4.1 below sets out the planning history for the site:

Table 4.1 – Planning History For Duckmoor Barn, Billingshurst

DC/25/0571	Prior Notification for Change of Use of Agricultural Building to 1no. dwellinghouse	Application Refused 29/05/2025
DC/25/1949	Prior Notification for Change of Use of Agricultural barn to a single dwellinghouse (Class C3).	Application Refused 21/01/2026

Source: Horsham District Council (2026)

4.2 It should be noted application DC/25/1949 was a resubmission of application DC/25/0571. The application was submitted with a supporting Structural Assessment including amendments to the plans to show parts of the barn that can be converted without the construction of new structural elements. As such, both applications were applying for the same proposal, the later application simply contained further information to support the case.

4.3 The application subject of this appeal (ref: DC/25/1949) was determined by the Council on the 21st January 2026. The application was refused for the following reasons:

> ***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).

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).***

5. RELEVANT PLANNING POLICY

5.1 In considering the principle of the proposed development, it is necessary to have regard to the statutory framework set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the "GPDO").

5.2 Schedule 2, Part 3, Class Q of the GPDO grants permitted development rights for the change of use of agricultural buildings to dwellinghouses, together with building operations reasonably necessary to facilitate that change of use, subject to specified limitations and conditions. As such, the principle of development is established through national legislation, provided that the relevant criteria are met.

5.3 The role of the Local Planning Authority in this context is therefore limited to the consideration of the prior approval matters set out within Class Q. These include matters such as transport and highways impacts, noise, contamination risks, flooding, the design or external appearance of the building, and whether the building is capable of functioning as a dwellinghouse.

5.4 It is well established through case law that the prior approval process is not equivalent to the determination of a full planning application and does not involve an assessment against the development plan as a whole. Rather, the decision-maker must confine their assessment to those matters expressly set out within the GPDO.

5.5 The Courts have confirmed that permitted development rights represent a national grant of planning permission, and that the scope of assessment under such provisions is intentionally limited. Accordingly, the principle of the development cannot be resisted where the proposal complies with the requirements of Class Q.

5.6 In this case, it is the Appellant's position that the Council has failed to properly apply the provisions of Class Q. This Statement of Case demonstrates that the proposal complies with the requirements of the GPDO and that prior approval should therefore be granted.

5.7 Class Q of Part 3 of Schedule 2 of the Order, permits the following:

Q. Development consisting of—

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

5.8 The proposal relates to the change of use of a large agricultural barn 'Duckmoor Barn' to form a five-bedroom dwelling together with building operations that are reasonably necessary to allow the conversion and change of use.

6. APPRAISAL OF THE APPEAL PROPOSAL

6.1 This section examines the Council's Delegated Report and Decision Notice to address the key issues and why the prior approval application was refused. As confirmed within the Delegated Report (Appendix NJA/02), the Local Planning Authority has assessed the proposal against the limitations set out within Class Q.1 of Schedule 2, Part 3 of the GPDO. The following matters are not in dispute and are agreed to comply with the requirements of Class Q:

- Q.1(a)(i) – Established agricultural unit: The building forms part of an established agricultural unit and was in agricultural use on the relevant date.

- Q.1(c) – Floor space limitation: The proposed dwelling has a gross internal floor area of 273.5sqm.

- Q.1(d) – Number of dwellings and cumulative floor space: The proposal would not result in more than 10 dwellinghouses or exceed 1,000 square metres cumulatively.

- Q.1(e) and (f) – Agricultural tenancy: The site is not subject to any agricultural tenancy which would preclude development.

- Q.1(g) – Agricultural buildings within 10 years: No disqualifying development has taken place within the relevant 10-year period.

- Q.1(h) – External dimensions: The proposal does not involve any extension beyond the external dimensions of the existing building.

- Q.1(i) – Extensions under Class Q: The development does not increase the height of the building, introduce additional storeys, extend beyond any elevation, or involve development on land without an established hard surface.

- Q.1(k) – Designated land: The site is not located within Article 2(3) land, a Site of Special Scientific Interest, a Safety Hazard Area or a Military Explosives Storage Area.

- Q.1(m) – Scheduled monuments: The site does not contain, nor is it located within, a scheduled monument.

- Q.1(n) – Listed buildings: The building is not listed.

- Q.1(o) – Nationally Described Space Standards: The proposed dwelling complies with the nationally described space standards.

- Q.1(p) – Access: The building benefits from suitable existing access to the public highway.

6.2 The Local Planning Authority has also assessed the proposal against the prior approval matters set out within Class Q.2(1) of the GPDO. The following matters are not in dispute and are agreed to be acceptable:

- Q.2(1)(a) – Transport and highways impacts: The proposal utilises an existing access and would not result in a material increase or change in the character of traffic. No objection has been raised by the Highway Authority.

- Q.2(1)(b) – Noise impacts: The proposal itself would not give rise to unacceptable noise impacts and the site is sufficiently separated from neighbouring residential receptors.

- Q.2(1)(c) – Contamination risks: While potential contamination has been identified, the Council confirms this could be appropriately addressed through condition and does not form a reason for refusal.

- Q.2(1)(d) – Flooding risks: The site is located outside any area at risk of flooding and no concerns have been raised.

- Q.2(1)(f) – Design and external appearance: The Council accepts that the proposed design and materials are appropriate and would enhance the appearance of the building within its rural setting.

- Q.2(1)(g) – Provision of natural light: The proposed dwelling would provide adequate natural light to all habitable rooms, and no concerns are raised in this respect.

6.3 As such, these matters are not considered any further within this Appeal Statement. The Council's refusal is confined to a limited number of matters under the GPDO. Specifically, the reasons for refusal relate to whether the proposed building operations exceed those reasonably necessary to convert the building under Class Q(c) and Class Q.1(j), and whether the location and siting of the building render the change of use impractical or undesirable under Class Q.2(1)(e). These are the only matters in dispute in this appeal, and they are addressed in detail below.

Reason For Refusal 1

6.4 Reason for Refusal 1 is set out as:

"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)."

The Development Does Not Fall Within the Scope of Class Q(c)

In relation to the scope of Class Q(c) the Delegated Report sets out below:

"Class Q(c) permits only building operations reasonably necessary to convert an existing agricultural building to residential use. Planning Practice Guidance (Paragraph 105) makes clear that the permitted development right assumes the building is already capable of functioning as a dwelling and does not allow rebuilding.

In this case, the submitted structural information confirms that the building has suffered fire damage, distortion of structural members and loss of enclosure. The proposed plans show 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 weather-tight structure.

These works would not represent conversion of an existing building, but the reconstruction of fundamental structural elements required to make the building capable of functioning as a dwelling at all. The proposal therefore does not fall within the scope of Class Q(c).”

6.5 The Appellant considers the Council’s application of Class Q(c) is incorrect and is based on a fundamental misunderstanding of the proposal. The submitted Structural Report prepared by Finite Design Ltd confirms that the primary steel portal frame, which constitutes the building, remains intact and structurally sound. It identifies that, aside from a discrete fire-damaged bay which is expressly excluded from the proposal, *“the remaining steel frame appears to be in reasonable condition… the primary structure appears to be square and sound with all the principal members in place”* and that *“the existing frame will be suitable without any major repairs or structural works”.*

6.6 The correct approach to Class Q applications is established by Hibbitt v Secretary of State for Communities and Local Government [2016] EWHC 2853 (Admin), which confirms that the key question is whether the building can be converted without substantial or complete rebuilding of its existing structure. This relates to structural capability, whether the existing frame can support the proposed works, and does not require the building to be weather-tight, fully enclosed or immediately habitable.

6.7 This approach was also acknowledged by the Council’s Planning Officer during the application process, *“Class Q is not a discretionary planning judgement but a legal test of whether the existing building, as it stood on the qualifying date, was structurally capable of conversion to a dwelling without significant rebuilding”.* The Planning Practice Guidance (PPG) does not require a building to be in a condition suitable for immediate residential occupation, nor to be fully enclosed or weather-tight, in order to fall within the scope of Class Q(c). Rather, it assumes that the building is capable of functioning as a dwelling in structural terms, such that it can be converted without the need for substantial rebuilding.

6.8 The Appellant contends the building is already capable of functioning as a dwelling in the context of Class Q(c), in that its primary structure is able to support the loads associated with residential use. The fact that elements of cladding are deteriorated, or

that parts of the building are open-sided, does not alter this position. As set out in the supporting evidence, the roof structure is present over the conversion area and the frame beneath is structurally sound. The condition of the cladding is a separate matter and is precisely the reason why Class Q(c) allows for the replacement of roofs and external walls.

6.9 The Inspector is requested to consider the Delegated Report for application ref: DC/25/0789 at Land North of Freeland House, found at Appendix NJA/03, which was also outlined to the Planning Officer during the decision making process. In this case, prior approval was granted for the conversion of an agricultural building of a typical steel portal frame ("Atcost"-type) construction, notwithstanding that the structure comprised no meaningful internal floor and was largely open-sided, with limited enclosure. The proposals also included the replacement of the existing roof covering with a new insulated metal sheeted roof.

6.10 The Delegated Report confirms that the Local Planning Authority was satisfied that the building was structurally capable of supporting the loading associated with residential conversion, notwithstanding the absence of substantial enclosure or internal fabric. The Appellant considers the appeal building represents a more substantial starting point, insofar as it retains elements of existing walling and enclosure. The nature and extent of works identified by the Council as necessary to facilitate conversion in the present case are therefore comparable to those accepted in the DC/25/0789 decision.

6.11 The Council's viewpoint that the proposal does not fall within the scope of Class Q(c) conflates the condition of non-structural building fabric with the structural capability of the building itself. The presence of damaged cladding or the need to introduce enclosure does not mean that the building is incapable of functioning as a dwelling; it simply explains why works are required to facilitate that use. If such works were taken to indicate that a building is not capable of conversion, the scope of Class Q(c) would be unduly restricted and the stated allowance for the replacement of roofs and walls would be ineffective.

6.12 Furthermore, the conclusion that the proposal would amount to the reconstruction of fundamental structural elements is not supported by the evidence. The primary structural frame is retained in its entirety over the conversion area and no substantial rebuilding is proposed. The works instead comprise the replacement of non-structural

elements and the enclosure of the building, which are typical and anticipated components of barn conversions.

6.13 Accordingly, the building is already capable of functioning as a dwelling for the purposes of Class Q(c), and the proposed works fall within the scope of building operations reasonably necessary to convert it. The Council's conclusion to the contrary is based on a misunderstanding of the current building and an incorrect interpretation of the permitted development right.

The Development Would Exceed the Limitations of Class Q.1(j)

6.14 In relation to the limitations of Class Q.1(j) the Delegated Report sets out:

The structural report states that "the steel frame to distort and buckle… the column and portal rafter… heat damage… extensive". A portal frame is not cladding and is the primary load-bearing structure, once this has buckled through fire the building has structurally failed. A building that has suffered structural failure is not "suitable for conversion". It is a damaged structure requiring demolition or reconstruction.

Structural Soundness of the Existing Building

6.15 As set out above the submitted Structural Report confirms that the primary steel portal frame which forms the building's principal load-bearing structure is intact, square and structurally sound, with *"all the principal members in place"* and capable of supporting the proposed development *"without any major repairs or structural works".* This demonstrates that the building, insofar as it is proposed to be converted, retains its fundamental structural integrity and is capable of conversion.

6.16 The proposal does not involve the reconstruction of the primary structural frame, but the retention and reuse of that structure, with works limited to those necessary to facilitate residential use. The replacement of deteriorated cladding does not amount to exceeding the limitations of Class Q.1(j).

6.17 An Inspector agreed with this approach during an appeal Woodend Farm, Malvern Hills (ref: APP/J1860/W/22/3294191), he considered a steel portal frame building with corrugated sheet cladding and confirmed that the introduction of new insulated roof and wall cladding, together with new openings, fell within the scope of building operations permitted under Class Q. The Inspector concluded that such works did not

exceed those reasonably necessary for conversion, where the underlying structural frame remained sound. It was stated *"From the evidence provided, I am satisfied that the structural integrity of the building is sound and that it would be maintained to form an integral aspect of the new dwelling. Despite the Council's concerns regarding the totality of the works, I consider that they do not exceed those permitted under Class Q.1(i) of the GPDO." Decision Notice at Appendix NJA/04.*

6.18 The Inspector is also requested to consider the Appeal Decision at Appendix NJA/05 in relation to Poachers Cottage, Henley on Thames (ref: APP/Q3115/W/23/3317169) where the Inspector dismissed an appeal on the basis *"by keeping only the concrete supports on their pad foundations, it is just its skeletal form that would be retained".* There are clear differences between this appeal proposal and the Poachers Cottage decision. In that instance, the barn's sides and roof were to be demolished, with only a skeletal frame and base retained. By contrast, at Duckmoor Barn the primary structural frame, roof structure and elements of existing cladding are all present and retained, with works limited to the replacement of non-structural coverings. The proposal therefore represents the conversion of an existing building, rather than the creation of a new structure, and is materially different from the circumstances considered in the Poachers Cottage appeal.

<u>Roof Structure</u>

"The submitted drawings indicate that a new roof structure and covering would be installed across the entirety of the retained barn. This is not limited to localised repair or partial replacement but represents the construction of an entirely new roof structure, including supporting elements, rather than the repair or replacement of an existing functional roof.

While Class Q.1(j)(i)(aa) permits the replacement of roofs to the extent reasonably necessary for a building to function as a dwellinghouse, this allowance applies only where the existing building is already suitable for conversion. Planning Practice Guidance paragraph 105 makes clear that the permitted development right does not extend to rebuilding works which go beyond what is reasonably necessary to convert an existing building.

In this case, the evidence demonstrates that the existing roof has been extensively fire-damaged and no longer performs its fundamental function of enclosure and

weather protection. The proposed roof works would therefore not constitute replacement of a functioning roof but would amount to the construction of a new roof structure in order to render the building capable of functioning as a building at all."

6.19 The submitted evidence confirms that roof covering is present across the entirety of the area proposed for conversion. The identified deterioration relates to the condition of the cladding material itself due to fire damage, rather than the absence of a roof or failure of the supporting structure. The Structural Report confirms that the underlying portal frame and steel purlins remain intact and structurally sound.

6.20 In this context, the Council's assertion that the proposal involves the construction of an entirely new roof structure is not supported by the evidence. The proposal does not involve the rebuilding of the primary structural frame, but the replacement of deteriorated roof cladding and associated elements. The distinction between structural components and non-structural cladding is critical. As identified in the supporting material, damage to the sheet covering does not equate to structural failure of the building; the frame beneath continues to perform its load-bearing function.

6.21 The PPG expressly anticipates that roof replacement may be required as part of a Class Q conversion. This is reflected in Class Q.1(j)(i)(aa), which allows for the replacement of roofs where reasonably necessary. The condition of the existing cladding, including the presence of holes and deterioration arising from fire damage, is precisely the type of circumstance for which this provision exists. It is not an indicator that the building is incapable of conversion, but the reason why such works are necessary.

6.22 This interpretation is directly supported by appeal decision APP/N1025/W/22/3311865 at Little Owl Farm, Dale Abbey (found at Appendix NJA/06), where the Inspector confirmed that the replacement of roof and wall cladding to make a building weatherproof and suitable for habitation falls within the scope of Class Q and does not amount to rebuilding. The Inspector found that such works to the external fabric *"would neither represent a fresh new build nor rebuilding of the structure".*

6.23 The Council's reasoning conflates the condition of the roof covering with the capability of the building as a whole. The relevant question is whether the building's structural frame is capable of supporting the proposed development, not whether the existing cladding currently provides a weather-tight envelope. In this case, the structural

evidence confirms that the frame is sound and capable of accommodating replacement materials without the need for substantial reconstruction.

6.24 Accordingly, the proposed roof works represent the replacement of deteriorated non-structural elements, rather than the construction of a new building or new structural frame. The building is already capable of functioning as a dwelling in structural terms, and the proposed operations do not go above the scope of the limitations set out in Class Q.1(j).

Area For Conversion

"The submitted structural statement indicates that the fire-damaged western bay and part of the lean-to would be removed from the site and excluded from the conversion. However, the proposed drawings show the entirety of the barn structure retained, with the proposed dwelling occupying only a smaller portion of the overall building footprint.

This creates a material inconsistency between the development described within the structural statement and the development for which prior approval is sought. The Local Planning Authority must assess the proposal based on the submitted plans, which indicate that the wider barn structure would remain in situ rather than being partially removed as suggested by the supporting report.

As such, the proposal does not represent the conversion of a clearly defined and structurally independent part of the building, but rather the insertion of a dwelling within a larger agricultural structure, parts of which would remain open and unenclosed."

6.25 The Structural Report clearly identifies the fire-damaged western bay and confirms that this element is excluded from the proposed conversion. The application relates solely to the retained and structurally sound part of the building, which would form the defined residential envelope. The submitted drawings, particularly the Site Location Plan, illustrate the existing building as a whole, while clearly identifying the extent of the proposed dwelling within it. The fact that the wider barn structure is shown to remain in situ does not indicate that it forms part of the conversion, nor does it create any inconsistency with the supporting structural information.

6.26 The Council's reasoning appears to assume that the entirety of the building must be converted or assessed as a single unit. However, Class Q does not preclude the partial

conversion of agricultural buildings, and it is commonplace for only part of a larger structure to be brought forward for residential use. The relevant consideration is whether the part of the building proposed for conversion is capable of accommodating the change of use, which in this case it clearly is.

Foundations

"Furthermore, the proposal would inevitably require the installation of new foundations and structural supports in order to accommodate new external walls and a replacement roof structure. The provision of new foundations constitutes new structural development rather than conversion works and would represent rebuilding of the agricultural building. Such works are not permitted under Class Q(c) and fall outside the scope of building operations allowed by Class Q.1(j).

For these reasons, it cannot be concluded that the proposed development would accord with Q.1(j)."

6.27 The Council's assertion that the proposal would "inevitably" require new foundations and structural supports, such that it would amount to rebuilding, is not supported by the submitted evidence. The Structural Report does not identify any requirement for new foundations or substantial structural intervention to the primary frame. On the contrary, it confirms that the existing steel portal frame, is structurally sound and capable of supporting the proposed development *"without any major repairs or structural works".* This directly contradicts the Council's suggestion that new structural supports are required.

6.28 The Council's reasoning appears to assume that the introduction of external walls and replacement roof cladding would necessitate new foundations. However, this is not evidenced and misunderstands the nature of the proposed works. The existing frame is already designed to support loads associated with agricultural use, and the Structural Report confirms that it is capable of accommodating the proposed materials. As such, there is therefore no basis to conclude that additional structural support or new foundations are required.

6.29 Furthermore, the introduction of new walling and enclosure does not, in itself, equate to the creation of new structural development or rebuilding. As set out in the supporting material, the primary structure of a portal frame building is the steel frame itself. The

replacement or installation of non-structural cladding and enclosure is a typical and anticipated component of conversion and does not alter the fundamental structure of the building. Accordingly, the proposal does not involve the construction of new foundations that would take it beyond the scope of Class Q. The works remain limited to those reasonably necessary to convert the existing agricultural building, and the requirements of Class Q.1(j) are therefore satisfied.

Reason For Refusal 2

6.30 Reason for Refusal 2 is set out as:

> ***"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)."***

Impact of Residential Amenity

6.31 In relation to the scope of Class Q.2(1)(e) the Delegated Report states:

> *"The site is not affected by any statutory or non-statutory landscape, biodiversity, or heritage designation. The subject building is located approximately 90m from the nearest neighbouring amenity. There would be limited impact on neighbouring amenities."*

6.32 The Appellant agree with above assertion by the Council.

> *"However, the submitted plans indicate that significant portions of the barn would remain outside the residential envelope, capable of continued agricultural use. The*

proposed dwelling would therefore be directly adjacent to agricultural activity, creating an inherent incompatibility between residential and agricultural uses.

This relationship is not a matter capable of resolution through condition, as it arises from the fundamental layout and physical arrangement of the retained building itself.

The Local Planning Authority considers that this relationship would result in unacceptable living conditions for future occupiers and would place unjustified constraints on the lawful operation of the retained agricultural building. The location and siting of the building therefore make the change of use impractical and undesirable for the purposes of Class Q2(1)(e).”

6.33 The Council’s conclusion that the proposed development would give rise to unacceptable living conditions under Class Q.2(1)(e) is not supported by evidence and is based on an overly broad interpretation of what constitutes an “undesirable” location. The GPDO does not define the term ‘undesirable’, however PPG states that a reasonable ordinary dictionary meaning should be applied in making any judgement. Such a proposal would be undesirable if it would be harmful or objectionable. Examples given in PPG are where a building is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals making its conversion undesirable. These examples relate to intensive agricultural operations that generate significant noise, odour or risk.

6.34 The retained part of the building in this case is not used for such purposes, but for general agricultural storage, which is a passive use and does not give rise to the types of impacts identified in the PPG. The Council has not identified any specific activity that would result in harmful living conditions, and instead relies on generalised assertions of potential conflict.

6.35 The conclusion that there is an “inherent incompatibility” between residential and agricultural uses is also not justified. The coexistence of residential and agricultural uses within the same building, or in very close proximity, is a long-established and defining characteristic of rural development in England. Traditional farmsteads routinely comprise dwellings directly attached to, or immediately adjacent to, agricultural buildings. As such, the presence of an agricultural use within part of a building does not make residential occupation undesirable.

6.36 Furthermore, the Council's reasoning does not take into account the specific circumstances of the site. The retained section of the building is not proposed to accommodate intensive or high-impact agricultural operations, and the fire-damaged western bay is not in productive use. There is therefore no evidential basis to conclude that the relationship between the proposed dwelling and the retained building would give rise to unacceptable living conditions or operational conflict.

6.37 The suggestion that the matter cannot be addressed by condition is also not substantiated. If the decision-maker considered that there was any potential for conflict, it would be open to impose conditions restricting the nature of activities within the retained part of the building. The Council has not explained why such an approach would be ineffective, nor has it demonstrated that any identified harm could not be mitigated in this way.

6.38 Accordingly, the Council has not demonstrated that the location or siting of the building would make the proposed development impractical or undesirable within the meaning of Class Q.2(1)(e). The conclusion reached is based on speculation rather than evidence, and does not provide a sound basis for refusal.

7. CONCLUSION

7.1 This appeal relates to the refusal of prior approval by Horsham District Council for the change of use of an agricultural building to a single dwellinghouse at Duckmoor Barn, Wooddale Lane, Billingshurst, under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

7.2 The scope of the Council's assessment is limited to the matters set out within Class Q, and the principle of development is established through national permitted development rights. As set out within this Statement of Case, the Council's refusal is confined to two matters:

- Whether the proposed building operations exceed those reasonably necessary under Class Q(c) and Class Q.1(j); and

- Whether the location and siting of the building would make the development impractical or undesirable under Class Q.2(1)(e).

7.3 It has been demonstrated at Section 6 that the proposal complies with all relevant provisions of Class Q. The key conclusions are summarised below.

- The Council's conclusions under Class Q(c) and Q.1(j) are based on a mischaracterisation of the building and a failure to distinguish between structural elements and non-structural fabric. Properly assessed, the building is capable of functioning as a dwelling and the proposed works fall within permitted development.

- The building is structurally sound and capable of conversion. The Structural Report confirms the steel portal frame is intact and can support the development without substantial or complete rebuilding, with the fire-damaged section excluded.

- The proposed works are reasonably necessary for conversion. The replacement of cladding, enclosure of the building and roof upgrades are typical of barn conversions and expressly supported by Class Q.

- In respect of Class Q.2(1)(e), no evidence has been provided to demonstrate unacceptable living conditions. The retained use is low-impact agricultural storage and does not give rise to the types of conflict identified in the PPG.

7.4 Overall, the proposal represents the lawful and appropriate conversion of an existing agricultural building in accordance with the provisions of Class Q of the GPDO. The matters raised by the Council do not demonstrate any conflict with the requirements of the Order.

7.5 For the reasons set out above, and having regard to the evidence submitted, it is respectfully requested that the Inspector allows this appeal and grants prior approval.