

## Delegated Decision

### Sign off Sheet

<b>Ref. No:</b>	DM/25/2400	<b>Case Officer:</b>	Andrew Watt
<b>Application Type:</b>	Prior Not. - Agricultural to Dwelling		
<b>Proposal:</b>	Change of use of two agricultural buildings to residential use (C3) to form 3no. 3 bedroom dwellings and 2no. 2 bedroom dwellings.		
<b>Site:</b>	Pilgrim Farm, Stairbridge Lane, Bolney, West Sussex, RH17 5PA, , ,		
<b>Validation Date</b>	22 Sep 2025	<b>Overall Expiry Date:</b>	17 Oct 2025
<b>Pre-Commencement Conditions Required:</b>		<b>Pre-Com Conditions Date Agreed:</b>	
<b>Recommendation:</b>	Prior Approval is Granted	<b>Recommendation Date:</b>	14 Nov 2025
<b>Target Date:</b>	17 Nov 2025	<b>Recommending Officer Signature:</b>	<i>Andrew Watt</i>

<b>Date Legal Agreement Completed: (if applicable)</b>		<b>No of Representations:</b>	0
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<b>Signed and Agreed By:</b>	<i>Stephen Ashdown</i>	<b>Date:</b>	14 Nov 2025
<b>Comments:</b>			

## MID SUSSEX DISTRICT COUNCIL

**DM/25/2400**

**Pilgrim Farm, Stairbridge Lane, Bolney, West Sussex, RH17 5PA, ,  
Change of use of two agricultural buildings to residential use (C3) to form 3no. 3 bedroom dwellings and 2no. 2 bedroom dwellings.  
Mr Ken Roberts**

### **SUMMARY OF REPRESENTATIONS**

None.

### **SUMMARY OF CONSULTEES**

#### **MSDC Contaminated Land Officer**

This application looks to convert an agricultural barn to five residential dwellings.

The site has had historical use as agricultural land, and the barn for conversion may have been used for the storage of items such as biocides, fuels, animal corpses etc. which have the potential to cause localised contamination.

I would also have concerns of asbestos materials within the structure of the buildings, which should be addressed.

Therefore, a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified prior to construction and works, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions.

#### **MSDC Street Naming and Numbering Officer**

Informative requested.

#### **WSCC Highways**

No highway concerns.

#### **Southern Water**

Condition requested:

Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

### **TOWN / PARISH COUNCIL OBSERVATIONS**

No objection.

### **INTRODUCTION**

Prior approval is sought for the change of use of two agricultural buildings to residential use (C3) to form 3 no. 3 bedroom dwellings and 2 no. 2 bedroom dwellings with associated operational development. This is an identical application to lapsed permission DM/22/2494.

## **RELEVANT PLANNING HISTORY**

In October 2022, prior approval was granted for change of use of agricultural buildings to form 5 no. dwellings with associated operational development (DM/22/2494). This permission has not been implemented within the specified 3-year time period and has therefore lapsed.

## **SITE AND SURROUNDINGS**

The application site is located to the north east (rear) of Pilgrims Farm House on the eastern side of Stairbridge Lane, with open countryside to the north, an access track with Bolney Business Park beyond to the south and further agricultural buildings to the north east (rear).

Building 1 to the north measures some 54m in length, by 6m in width, with an overall height of 4m. The building is constructed of a mixture of facing brickwork and painted blockwork walls with a corrugated sheet roof.

Building 2 to the south measures approximately 36m in length by 6m in width at its widest point with a maximum height of 5m. The building is constructed of facing brickwork walls with a corrugated sheet roof, which appears to have replaced a previous clay tiled roof.

In policy terms, the site is within the countryside and designated as a Great Crested Newt - Impact Risk Zone (Red). Part of the site in front of Building 2 lies within an area at risk of surface water flooding.

## **APPLICATION DETAILS**

Prior approval is sought for the change of use of two agricultural buildings to residential use (C3) to form 3 no. 3 bedroom dwellings and 2 no. 2 bedroom dwellings with associated operational development.

Within the applicant's supporting statement it sets out:

*'The proposed conversion has been designed around the existing timber and concrete structures. No alterations are required to be undertaken to the structure and no additional load will be imposed on it. New brickwork will be used to infill the existing openings and will match the existing brickwork. Doors and windows will also be incorporated to enable the residential use.'*

Building 1 is to be converted into 3 x 3-bed units, each with a gross internal floor area of some 93 sq m and will contain two double bedrooms, a single bedroom, ensuite, bathroom and open plan kitchen/diner/living room.

Building 2 is to be converted into 2 x 2 bedroom units, one with a gross internal floor area of some 87 sq m and the other with a gross internal floor area of 85 sq m and both units will feature a kitchen/diner, living room, bathroom and two double bedrooms.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

As this is an application to establish whether prior approval is required and is not an application for planning permission, the application falls to be assessed against Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This states:

### **Permitted development**

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.

### **Development not permitted**

Q.1. Development is not permitted by Class Q if—

- (a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—
  - (i) on 24th July 2023, or
  - (ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,
- (b) in the case of a site that was (but is no longer) part of an established agricultural unit—
  - (i) the site was part of an established agricultural unit on 24th July 2023,
  - (ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
  - (iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,
- (c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,
- (d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—
  - (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
  - (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,
- (f) less than 1 year before the date development begins—
  - (i) an agricultural tenancy over the site has been terminated, and
  - (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use,
- (g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,
- (h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—
  - (i) extension of the building allowed by paragraph Q.1(i);
  - (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),
- (i) the development under Class Q(b) would result in an extension that—
  - (i) has more than one storey,
  - (ii) is sited anywhere other than to the rear of the existing building,
  - (iii) extends beyond the rear wall of the existing building by more than 4 metres,
  - (iv) has eaves the height of which exceed the height of the eaves of the existing building,
  - (v) is higher than whichever is the lower of—
    - (aa) the highest part of the roof of the existing building, or
    - (bb) a height of 4 metres above the ground,
  - (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
  - (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—
    - (aa) the hard surface was not provided on the land on or before 24th July 2023, or

(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

(j) the development under Class Q(c) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse, and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),

(k) the site is on article 2(3) land,

(l) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area,

(m) the site is, or contains, a scheduled monument,

(n) the building is a listed building,

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

(p) the building does not have suitable existing access to a public highway.

## Conditions

Q.2.—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

(b) noise impacts of the development,

(c) contamination risks on the site,

(d) flooding risks on the site,

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(f) the design or external appearance of the building, and

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Where the development proposed includes development under Class Q(b), the developer must also apply, as part of the application under sub-paragraph (1) or (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.

(4) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

## Interpretation of Class Q

Q.3.—(1) For the purposes of Class Q, "curtilage" means the lesser of—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and

(b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.

(2) For the purposes of Class Q.1(d), "the original limits of an established agricultural unit" means— (a) in the case of an established agricultural unit which ceased to exist prior to 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(b) in the case of an established agricultural unit which exists on 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(c) in any other case, all the land which comprises the established agricultural unit at the time it comes into existence.

Class X of Part 3 is also deemed relevant:

### **Interpretation of Part 3**

X. For the purposes of Part 3—

"agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses;

"agricultural tenancy" means a tenancy under—

- (a) the Agricultural Holdings Act 1986; or
- (b) the Agricultural Tenancies Act 1995;

"established agricultural unit" means agricultural land occupied as a unit for the purposes of agriculture—

- (a) for the purposes of Class R, on or before 3rd July 2012 or for 10 years before the date the development begins; or
- (b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

"habitable rooms" means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;

### **ASSESSMENT**

The permitted development right under the Part Q regulations allows for 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 dwellinghouse, together with extensions and building operations reasonably necessary for conversion, subject to a number of tests.

Part Q.1 (a) (i) requires the site to have been part of an established agricultural unit on 24th July 2023. The submitted Planning Statement sets out that:

*'The application buildings formed part of an established agricultural unit on the 24th July 2023. The buildings have been used for the storage of agricultural equipment and hay associated with farming activities undertaken at Pilgrims Farm. It can also be noted from the planning history that the site has been in use as a farm since at least the 1970s.'*

The LPA has no evidence to suggest anything to the contrary.

Part Q.1 (c) requires the floorspace of any dwellinghouse to not exceed 150 sq m. None of the proposed dwellings would exceed this floorspace.

The agent has also confirmed within the Planning Statement no development has previously been undertaken at the farm under Class Q and the development is for fewer than 10 dwellings. The cumulative floorspace proposed is 451 sq m, under the 1,000 sq m maximum and that the site is not

occupied under an agricultural tenancy and nor has any such tenancy been terminated in the last 12 months. As such, Part Q.1 (d), (e) and (f) are met.

The agent has also confirmed that no development within the agricultural unit has been undertaken under Class A or Class B of the Part 6 of these regulations in the last 10 years, therefore there is no conflict with Part Q.1 (g).

The agent has confirmed that there will be no extensions to the existing buildings and all works will be confined to within the existing footprint, and conversion works limited to operations as follows:

- Insertion of doors and windows to allow natural daylight into the main habitable rooms and to satisfy Building Regulations
- Installation of rainwater pipes and gutters
- Installation of internal walls
- Installation of a damp proof course and internal insulation to comply with Building Regulations (the PPG confirms that such works are not considered to be development)

As such, the Local Planning Authority is satisfied that the building is capable of conversion without extending beyond the external dimensions of the existing building at any given point, and the works required for the conversion are reasonably necessary as such the proposal is also deemed to comply with Part Q.1 (h) and (i) and does not conflict with (j).

The site is not on Article 2(3) land, does not form a SSSI, a safety hazard area, a military explosives storage area, a scheduled monument or a listed building, so complies with Part Q.1 (k), (l), (m) and (n).

The buildings are capable of complying with the nationally described space standards, the 3 x 3-bed dwellings in Building 1 would provide 93 sq m of internal floorspace, exceeding the standard of 86 sq m, and the 2 x 2-bed dwellings in Building 2 would provide 85 and 87 sq m of internal floorspace, in excess of the standard of 70 sq m. The agent has confirmed that all dwellings would have built-in storage areas in excess of the minimum requirements. As such the proposal would comply with Part Q.1 (o).

The agent has stated that: *'In relation to access, the site has an existing access directly off Stairbridge Lane. It has good visibility in either direction with visibility splays of 110m being achieved in each direction and there have been no known accidents on the road attributed to the use of the access.'* As such the proposal would comply with Part Q.1 (p).

Based on the above, it is considered that the proposed development is permitted development under Class Q. We turn next to the conditions set out in the legislation:

## **Conditions**

Conditions as stated under part Q.2 require the Local Planning Authority to assess whether prior approval is required in respect of:

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

These considerations are detailed below:

### (a) Transport and highways impacts of the development

West Sussex County Council as the Highway Authority has been consulted on this application, and provided the following comments:

*'This application is for prior approval to change use of two agricultural buildings to provide 5 residential dwellings (3 x 3bed and 2 x 2-bed dwellings). The site is located on Stairbridge Lane, an un-classified road subject to national speed limit.*

*This application is an identical submission to previously approved DM/22/2494, which has not been implemented.*

*Under the current General Permitted Development Order (GPDO), it is permitted development to change use from agricultural to residential (Class C3) subject first to prior approval being granted. As part of the prior approval process, there are several 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.*

*The site is accessed via a private vehicle crossover access, leading to the two barn buildings that are to be converted to residential units. There is no change proposed to the existing access arrangements. WSCC maps indicate adequate visibility along both sides of Stairbridge Lane at the site access, for the posted speed limit.*

*An inspection of collision data supplied to WSCC by Sussex Police over a period of past five years reveals there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.*

*With regards to trip generation, the change of use from agricultural to residential use is anticipated to generate fewer vehicle movements at the site access than the existing use. The planning statement indicates that parking will be provided within the existing hardstanding area, with sufficient space for at least two vehicles per dwelling. This has not been demonstrated on a plan, and therefore the LPA may wish to secure this via condition if appropriate in addition to secure and covered cycle storage.*

*In summary, the movements associated with agriculture have done so safely with no known safety highways concerns, and C3 residential uses are considered less intensive.*

*West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. Consequently, no highway concerns would be raised.'*

In accordance with these comments, it is not considered that the proposal would cause any transport or highways impacts.

#### (b) Noise impacts of the development

The agent has confirmed within the Planning Statement the following:

*'The addition of five dwellings to the site will not cause a significant increase in noise generated from the site in comparison with the historical agricultural use.*

*To the south of the application site is Bolney Grange Industrial Estate which is a small industrial estate encompassing a range of mixed-use business units. Units 4 and 6 are the closest to the application site. Unit 4 is occupied by Pro-Lam Ltd which distributes aluminium frames and their business hours are Monday to Thursday 8:30 to 3:30, Friday 8:30 to 1:30pm and closed during the weekends. Unit 6 is believed to be occupied by a travel agent which is not a significant generator of noise. The proposed dwellings will have insulation incorporated into all walls and double glazed units will be provided to each opening will ensure any noise generated off site will not affect the occupiers of the dwellings.'*

It is therefore considered that the proposal is acceptable in relation to noise impacts of the development, subject to a condition imposed on the previous consent.

(c) Contamination risks on the site

The Council's Contaminated Land Officer has been consulted on the application and has suggested conditions to deal with the risks associated with contamination of the site, which would ensure appropriate mitigation measures are undertaken in the event of an approval for this scheme.

(d) Flooding risks on the site

The site falls within Flood Zone 1 with a small part of the site in front of Building 2 at risk of surface water flooding. Southern Water has provided comments recommending a condition be imposed on any permission and accordingly it is considered that there will not be any flood risks as a result of this proposal.

(e) Practicality of change of use

In determining these applications DCLG Planning Practice Guidance website (revised 05.03.2015) states:

*'Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".*

*When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.*

*There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.'*

As set out within the Transport and Highways section, the proposal will result in a less intensive use of the existing access, by smaller vehicles. Furthermore, the proposal is also closely related to an existing residential dwellinghouse to the south west (front) of the site and as such there is no reason to conclude that the proposal would be undesirable.

(f) The design or external appearance of the building

Proposed plans and elevations show that the proposal will retain the existing rural character and appearance of the buildings, with the existing external materials to be retained and repaired where necessary. It is acknowledged that a number of windows and openings provided on all elevations. However, Part 3, Class Q allows for building operations necessary to convert the building including replacement of roofs, exterior walls and the installation of windows and doors. The external appearance is considered to be acceptable for the proposed use and therefore no concerns are raised in this respect.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

Proposed plans and elevations submitted show that all habitable rooms will be served by windows, providing adequate levels of natural light.

**CONCLUSION**

To summarise, as this is not a planning application, the policies contained within the District Plan are not relevant. For the reasons that have been outlined above, it is considered that the prior approval process can be utilised in this case. Having gone through the relevant conditions attached to Part 3, Class Q, it is considered that this application for prior approval should be allowed subject to relevant planning conditions.

Decision: Prior Approval is Granted

Case Officer: Andrew Watt