

Prior Determination Change of Use of Agricultural Building to a Dwelling

PREPARED FOR

Mrs S Couchman

**Barn Southwest of Pakyns House
Bullfinch Lane
Hurstpierpoint
West Sussex**

February 2025



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1. INTRODUCTION

- 1.1 We act on behalf of Mrs S Couchman in respect of the prior determination request made to West Sussex Council in relation to the potential change of use of an agricultural building at Barn Southwest of Pakyns House, Bullfinch Lane, Hurstpierpoint, West Sussex.
- 1.2 Planning permission is not deemed necessary for the proposed development on the basis that the proposal conforms with the provisions set out in The Town and Country Planning (General Permitted Development) (England) Order 2018 as amended.

2. DISCLAIMER

- 2.1 This report is for the sole use of the named client. While it may be shown to other professionals acting for them, the contents are not to be disclosed to nor made use of by any third party without our express prior written consent. Without such consent we can accept no responsibility to any third party.

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3. PLANNING POLICY BACKGROUND

3.1 Class Q of the General Permitted Development (England) Order 2018 allows for:-

- a) the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order; or
- b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouse) of that Schedule.

3.2 The building works permitted under Class Q are outlined in the Planning Practice Guidance at Paragraph 105 as follows:-

“Building works are allowed under the right permitted agricultural buildings to change to residential use, however the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”

- 3.3 The proposals were put forward to further enhance the Government's key objective of supporting economic growth. The proposals strongly support key Government priorities for making better use of existing buildings, supporting the high street and rural communities and providing new housing.
- 3.4 The permitted development makes a strong contribution towards the provision of new homes, reducing some of the pressure for new green field development and allowing under-utilised buildings to be brought back into productive use.
- 3.5 The permitted development provisions do not differentiate between the age or type of any buildings which might be suitable for conversion.

4. THE SITE AND BUILDING

- 4.1 The proposal relates to the change of use of one existing agricultural building and the land within its curtilage to a dwellinghouse. The agricultural building has been used in conjunction with the agricultural business in operation on site.
- 4.2 In 2022, the proposal for change of use of this agricultural building to a dwellinghouse was approved, under reference DM/22/1777. This is a reapplication of the same scheme, which benefits from extant permission. Nothing has changed since DM/22/1777 was permitted, this is effectively the fall-back position.
- 4.3 The land has been occupied for the purposes of agriculture on or before the 20th March 2013.
- 4.4 The building has been used for agriculture and was used for this purpose on or before March 2013.
- 4.5 It is confirmed that the following criteria are also satisfied:
- The buildings are not on article 2(3) land;
 - The site was used for agricultural purposes on and immediately before 20th March 2013 or when it was last in use;
 - The site is not occupied under an agricultural tenancy, nor has one been terminated within the last 12 months.

- The site does not form part of a safety hazard area or military explosives storage area;
- The buildings are not listed buildings or scheduled monuments;
- No development utilising other agricultural PD rights has been undertaken on the unit since 20th March 2013.

4.6 The building is of solid construction and are suitable for construction with a total footprint of approximately 282m².

4.7 The scheme will consist of a two bedroom dwelling.

5. PRIOR DETERMINATION – CLASS Q(a)

5.1 In accordance with the Order, we request a determination as to whether the prior approval of the LPA is required for the Class Q(a) development in this instance in regard to:

- **Transport** and highways impacts of the development
- **Noise** impacts of the development
- **Contamination** risks on the site
- **Flood risks** on the site
- 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 (dwelling houses) of the Schedule to the Use Classes Order.

5.2 Transport

Existing access to the site will be used

The plans submitted with this application shows parking provision for the dwelling.

5.3 Noise

There are no noise issues for the development.

5.4 Contamination

There has been no previous use of the site to the applicant's knowledge, which would lead to any contamination concerns or issues. Specifically, there has never been any landfill or waste disposal on the application site, no vehicle maintenance or storage of fuels/chemicals, nor burning of fires on site to the applicant's knowledge. Given historically the use of the site has been agricultural rather than industrial, the pollution and contamination risk is deemed to be low.

A Phase 1 has been carried out, the contamination report will be submitted.

5.5 Flood Risk

The site is in Flood Zone 1, there is no flood risk.

5.6 Location and Siting

The location and siting of the building does not make it undesirable or impractical to change the use.

There is a potential curtilage area associated with the building which is appropriate to create amenity space for the dwelling created. The curtilage allows for maintenance to all sides of the dwelling and shows parking areas.

The dwelling proposed is reasonable for the location and will not over develop the site.

5.7 Provision of Natural Light

The dwellings will benefit from natural light to all habitable rooms as shown on the plans and elevations.

6. **SUITABILITY FOR DEVELOPMENT**

The building is of substantial and of good quality construction with existing walling and roof and so is capable of the conversion with the limitations set out by Class Q.

PRIOR DETERMINATION CLASS Q (b)

- 6.1 In addition to the above, we also request a determination as to whether the prior approval of the LPA is required in relation to the design or external appearance of the building.
- 6.2 To assist with the determination we enclose the following information:
- A site location plan which identifies the subject buildings and the deemed curtilage areas.
 - Existing plans and elevations.
 - Proposed plans and elevations.

Building Construction

- The building is used in conjunction with the onsite agricultural business.
- The main building is steel framed, clad in timber with concrete block walls, with a likely fibre cement roof, although no formal assessment has been carried out. The steel frame, walls, roof and cladding will be retained, repaired and replaced where necessary. New openings will be inserted where necessary. All other work will be internal.
- The lean-to building on the western elevation will be retained as a garden store and covered outside area. However, this will be retained as it is, with no work proposed other than minor demolition.
- The additional building adjoining to the north will be retained as it is as a garage area. There are no works proposed to this building.

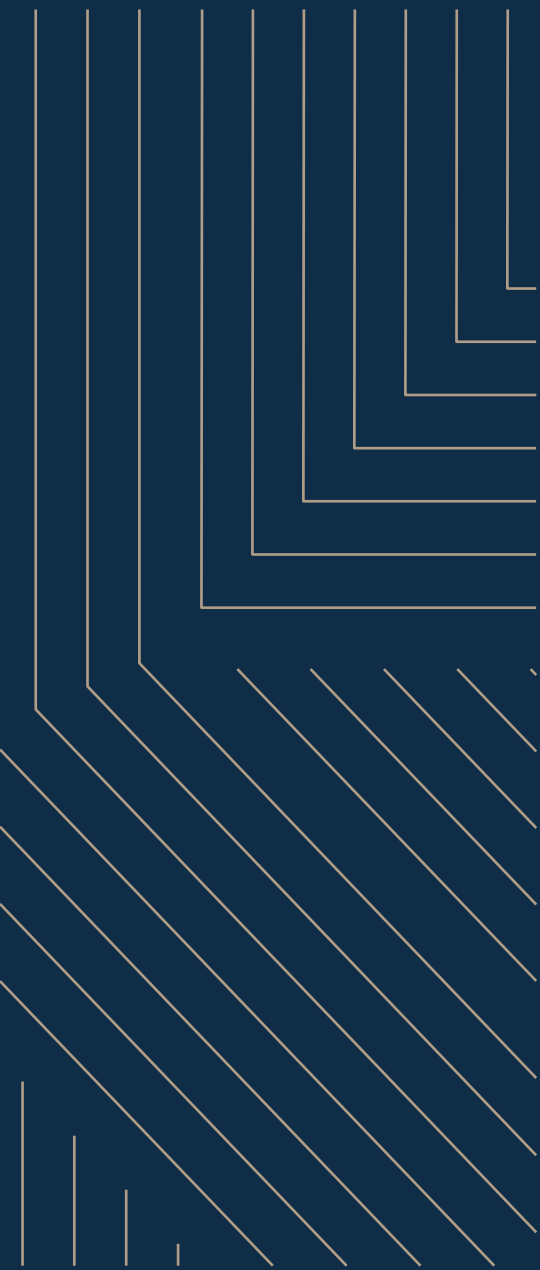
All of the works are reasonably necessary in order for the building to function as a dwelling, and the works do not go beyond those that are defined in the GPDO and accompanying guidance.

7. CONCLUSION

- 7.1 It is deemed that the proposal for the change of use of the building at Barn Southwest of Pakyns House, Bullfinch Lane, Hurstpierpoint, West Sussex, should be considered permitted development, under the

legislation brought into force in 2014 and now under Class Q of the General Permitted Development Order 2018 as amended.

- 7.2 The proposed change of use will not lead to any detrimental adverse effects on flood, traffic, noise, flood risk or contamination and the siting and location of the buildings are deemed to be acceptable for the proposed use.
- 7.3 The residential scheme can easily be incorporated into the existing building using the existing construction with addition of replacement roof material as required plus windows and doors added within the rules of the GPDO. The scheme would be a change of use with the only works proposed being those allowed for under the GPDO (cladding and windows/doors permitted) and internal works (not development as confirmed in the Planning Practice Guidance).



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