



Appeal Decisions

Site visit made on 26 September 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal A Ref: APP/L3815/W/22/3308671

Mill House Farm, Drungewick Lane, Loxwood, West Sussex RH14 0RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended.
- The appeal is made by Mr Phil Rowe against the decision of Chichester District Council.
- The application Ref LX/22/00637/PA3Q, dated 21 February 2022, was refused by notice dated 14 April 2022.
- The development is the proposed change of use from agricultural buildings to 1 dwelling - (C3 Use class); resubmission further to LX/21/01852/PA3Q.

Appeal B Ref: APP/L3815/W/22/3308664

Mill House Farm, Drungewick Lane, Loxwood, West Sussex RH14 0RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended.
- The appeal is made by Mr Phil Rowe against the decision of Chichester District Council.
- The application Ref LX/22/00470/PA3Q, dated 21 February 2022, was refused by notice dated 14 April 2022.
- The development is the proposed change of use from agricultural buildings to 4 dwellings - (C3 Use class); Class Q (a).

These decisions are issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersede the decisions issued on 18 October 2023.

Decisions

Appeal A

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 - as amended, for the change of use from agricultural building to 1 dwelling - (C3 Use class) at Mill House Farm, Drungewick Lane, Loxwood, West Sussex RH14 0RS, in accordance with the terms of the application reference LX/22/00637/PA3Q, dated 21 February 2022, and the details submitted with it, including drawing numbers 210607_R1_000, 210607_R1_001, 210607_R1_200 and 210607_R1_201, and the following condition:
 - 1) Prior to any works being undertaken involving the construction or reconstruction of any part of the external walls or roof of the building subject of this approval, details of the exterior materials to be used in any building or re-building of these elements shall be submitted to and approved

in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Appeal B

2. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q (a) (only) of the Town and Country Planning (General Permitted Development) (England) Order 2015 - as amended, for the change of use from agricultural buildings to 4 dwellings - (C3 Use class): Class Q. (a), at Mill House Farm, Drungewick Lane, Loxwood, West Sussex RH14 0RS, in accordance with the terms of the application reference LX/22/00470/PA3Q, dated 21 February 2022, and the plan identified as drawing number 2202M1_R0_000 which was submitted with it.

Preliminary Matters

3. As set out above there are 2 appeals on this site. Each appeal has been considered on its individual merits. However, to avoid duplication, and except where indicated otherwise, I have dealt with the 2 schemes together. The appeals relate to different buildings at Mill House Farm. In both appeals prior approval is sought.
4. The description of the development proposals within the banners is taken from the application forms. Excepting words that do not comprise acts of development, I have used the descriptions from the Council's decision notices and the appeal forms in my formal decisions. This is because they more precisely describe the development proposed.
5. Subject to various conditions and limitations, Schedule 2, Part 3, Class Q. (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended (the GPDO) permits the change of use of a building from use as an agricultural building to use as a dwelling falling within Class C3 (dwellings) of the Use Classes Order. Class Q. (b) permits the development referred to in Q. (a) together with building operations reasonably necessary to convert the building.
6. Appeal A is considered under Schedule 2, Part 3, Class Q. (b) of the GPDO.
7. In appeal B, the 2 main parties agree that the application was made in respect of Class Q. (a) only. I have no reason to take another view, and therefore proceed on this basis. As such, the plans showing proposed works to the buildings subject of appeal B do not form part of my consideration of the appeal and are not included in the decision.
8. Late evidence has been submitted by the appellant in respect of appeal A. However, this evidence is not directly relevant or necessary to enable me to reach a decision. No parties would be prejudiced by my decision not to take it into account.
9. Having made reference to costs within their submissions, the appellant has been given the opportunity to confirm whether they wish to make a cost claim or claims, and if so, to provide grounds for such. No cost claims have subsequently been advanced.

Main Issues

10. In the case of appeal A, the main issues are whether the development proposals would be permitted development under Article 3(1) and Schedule 2, Part 3, Class Q. (b) of the GPDO, and if so, whether prior approval may be granted.
11. In the case of appeal B, the main issue is whether the development proposals would be permitted development under Article 3(1) and Schedule 2, Part 3, Class Q. (a) only of the GPDO, and if so, whether prior approval may be granted.

Reasons

12. The appeal sites contain a series of buildings that are located around the edges of a more central yard area.
13. Because appeal B is proceeding in respect of Class Q. (a) only, it is not necessary to consider whether the nature and extent of any building operations to convert the buildings to dwellinghouses would go beyond those specified within the limitation at Q.1.(i) of Schedule 2, Part 3 of the GPDO.
14. In respect of the other limitations at Q.1, the Council considers that the developments would not be precluded, and based on the evidence before me I see no reason to disagree.
15. However, further to this, Paragraph Q.2 sets out that development under Class Q is permitted subject to, amongst other aspects, an application being made to the local planning authority for a determination as to whether prior approval is required in relation to the matters set out in paragraph Q.2 (1) (a-g).
16. The Council has indicated that the proposals are likely to lead to an increase in water consumption, which, they say, is likely to have a significant effect upon European designated sites. However, apart from this, the Council considers that the developments could be undertaken without causing unacceptable harm in respect of the relevant prior approval matters.
17. Article 3(1) of the GPDO 2015 grants planning permission for the classes of development described as permitted development in Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site or a European offshore marine site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77.
18. The process outlined above is administered under separate legislation, which is distinct from the scope of these appeal decisions. Therefore, it is not necessary for this matter to be further considered in respect of either appeal.
19. Given the above, and from the evidence and my observations on site, the development subject of the appeals would not cause unacceptable harm in respect of the relevant prior approval matters.

20. For the reasons given, the development proposals subject of appeal A would be permitted development under Article 3(1) Schedule 2, Part 3, Class Q. (b) of the GPDO. Furthermore, the development proposal subject of appeal B would be permitted development under Article 3(1) and Schedule 2, Part 3, Class Q. (a) only of the GPDO. In the case of both appeals, prior approval may be granted.

Other matters

21. Should there be a need for building operations to be undertaken to convert the buildings subject of appeal B to dwellinghouses, then before commencing any such works, it will be necessary for the developer to apply again to the local planning authority for a determination as to whether the prior approval of the authority will be required under Article 3(1) and Schedule 2, Part 3, Class Q. (b) of the GPDO.
22. The appeal sites are in a countryside location, where I have no reason to doubt that access to public transport is extremely limited. However, the government's Planning Practice Guidance advises that the permitted development right for change to residential use does not apply a test in relation to the sustainability of the location.

Conditions

23. The Council recommends a number of conditions be attached to any permissions. The appellant has had the opportunity to respond to these. In considering the suggested conditions, I have had regard to paragraph 56 of the National Planning Policy Framework.
24. Any prior approval granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2.(3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date, as well as the provisions of paragraph W. Accordingly, the Council's suggested time conditions are not necessary. Because I have listed the approved plans in my decisions, the plan conditions are also not required.
25. In the case of appeal A, a condition is imposed requiring details of the materials to be used in any building or re-building of the walls and roof to be submitted to and approved in writing by the Council. Such a condition is necessary to prevent works being undertaken to the walls and roof which would be harmful to the external appearance of the building. Because the proposal subject of appeal B does not include building operations, a materials condition is not required on that permission.
26. I do not doubt that the provision of facilities for the storage of bicycles as well as refuse and recycling would help to encourage sustainable travel and management of waste. However, I have been unable to establish that conditions related to these matters and landscaping are necessary to make the development acceptable in relation to the prior approval matters. As such these conditions are not imposed.
27. Where permission to use a building as a dwellinghouse has been granted only by virtue of Class Q, developments that would otherwise be permitted under Article 3 and Schedule 2, Part 1, Classes A to E of the GPDO are not permitted. It is not therefore necessary to remove these permitted development rights.

Conclusion

28. For the reasons set out above, I conclude that appeals A and B should be allowed, and prior approval be granted.

V Simpson

INSPECTOR