



**PULBOROUGH  
PARISH COUNCIL**  
*Working together for a better future*

**ATTENTION: A PUBLIC SPEAKING ITEM HAS BEEN INCLUDED ON THE AGENDA. ANY RESIDENT WISHING TO SPEAK ON ANY ITEM SET OUT ON THIS AGENDA MUST INFORM THE PARISH CLERK NO LATER THAN 12 NOON THE DAY PRIOR TO THE MEETING.**

You are hereby SUMMONED to a meeting of the Planning & Services Committee to be held in the Committee Room at Pulborough Sports Pavilion on **Thursday 3<sup>rd</sup> October 2024 at 7.30pm.**

**Dated 26<sup>th</sup> September 2024**

**Beverly Nobbs (Deputy Clerk)**

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Swan View, Lower Street, Pulborough, RH20 2BF

**AGENDA**

- 1. APOLOGIES FOR ABSENCE**  
To receive and approve apologies for absence.
- 2. DECLARATIONS OF INTEREST AND CHANGES TO REGISTER OF INTERESTS**  
To receive members' declarations of interest on any agenda items and to note any changes to councillors' register of interests.
- 3. PUBLIC SPEAKING**  
In accordance with standing order 1f, the chair will invite those residents who have given formal notice to speak once only in respect of business itemised on the agenda and shall not speak for more than **5 minutes** or **10 minutes** if he/she is speaking on behalf of others such as a residents' group.
- 4. MINUTES**  
To approve the minutes of the meetings held on 1<sup>st</sup> August 2024
- 5. PLANNING APPLICATIONS**  
To receive the planning applications as listed on Appendix 1.
- 6. PLANNING APPLICATION DECISIONS**  
To receive details of planning decisions, appeals and compliance issues since the last meeting as listed on Appendix 2.
- 7. SOUTH DOWNS NATIONAL PARK – PLANNING CONTRACT EXPIRY**  
To note notice from Horsham District Council regarding the contract ending for live planning applications.
- 8. PAYMENTS**  
To approve payments for signing.

**PLANNING APPLICATIONS**

The Committee will consider the following planning applications:

**DC/24/1339 - Star Farm Gay Street Lane North Heath West Sussex**

Erection of a single storey side extension.

**DC/24/1360 - 31 Lower Street Pulborough West Sussex RH20 2BH**

Fell x1 Willow

**LIST OF DECISIONS MADE BETWEEN: 30/08/2024 – 05/09/2024**

\*\*\*\*\*NONE FOR PULBOROUGH\*\*\*\*\*

**LIST OF DECISIONS MADE BETWEEN:- 06/09/2024 – 12/09/2024**

**Application Number:** DC/24/2024 **Application Permitted**  
**Site:** Nash Manor Lower Nash Nutbourne Lane Nutbourne West Sussex RH20 2HS  
**Description:** Installation of Swimming Pool and associated plant room (Part Retrospective)  
**Date of Decision:** 11/09/2024  
**PPC Comments: No Objection** - Although we see no design issues with this application and would support it, the Parish Council typically does not favour retrospective planning permission. However, due to the applicant seeking initial planning advice and unique situation this application has, we have no issue with this.

**LIST OF DECISIONS MADE BETWEEN:- 06/09/2024 – 12/09/2024**

**Application Number:** DC/22/1922 **Application Refused**  
**Site:** Land West of The Deck House Hill Farm Lane Codmore Hill West Sussex RH20 1BJ  
**Description:** Change of use of land for the provision of four (4) no. pitches for settled gypsy and traveller accommodation.  
**Date of Decision:** 16/09/2024  
**PPC Comments: Objection for the following reasons:**

1. National policy for Traveller sites states in paragraph 25 that "local planning authorities should ensure sites in rural areas respect the scale of, and do not dominate, the nearest settled community and avoid placing undue pressure on the local infrastructure." Approval of this site would result in gypsy and traveller sites dominating this community and rural location. There is another gypsy and traveller site which already has planning permission and is occupied a very short distance to the east at the junction of Hill Farm Lane and the A29. Granting this application would be an imposition on the community and not respect the scale or rural nature of Codmore Hill. This is the old established village part of Codmore Hill (not the new development to the South) and approving this development would not be in keeping with its character.
2. This application would result in a significant increase in traffic movements in a narrow lane which leads onto a dangerous junction with the A29. It is close to the 40 mile an hour speed limit zone and is an area well known for road traffic accidents. It has the potential to multiply the number of movements significantly with the added danger that is accompanied by vehicles towing caravans. Also, with more traffic movements, there is increased danger for pedestrians with the absence of a footpath.
3. There is inadequate local infrastructure to handle sewerage and rubbish handling. There is no indication of where sewerage pipes are to be laid or connected to the mains sewerage network. The site drops steeply downhill to the north. There is a risk that refuse, and brown water, will gravitate downhill into adjacent properties below.

## Appendix 2

4. There would be an adverse impact on the landscape & character of the area.
5. Given that these pitches would be situated on an extremely steep slope significant earth-moving measures would be required to achieve this, with a further associated adverse impact on the landscape.
6. Overbearing given the site would clearly be visible due to a public right of way which is located near this location.
7. The appeal ref DC/19/0845 has since been challenged by HDC due to water neutrality and therefore only two pitches were permitted, not four pitches.
8. The location of site DC/19/0845 is very close to DC/22/1922 so two gypsy sites would be close together.
9. Noise and light pollution.
10. The drainage ditch cannot cope with amount of water now so putting pitches on this site will have a significant impact and this will cause issues to the neighbour at the foot of the hill. Also, concerns were expressed regarding the difficulty this drainage ditch would have with water run-off from hard-standing given that utility blocks are mentioned on the plans (which are somewhat sketchy).
11. Beehives are located at the foot of the hill. This is an important aspect due to the decline in numbers of the bee population and their importance in maintaining our planet.
12. A neighbour at the foot of the hill was not informed of this Planning Application.

**Members request that this application be put to HDC Planning Committee for a decision.**

**Application Number:** DC/23/2271

**Site:** Kahnters Farm Gay Street Pulborough West Sussex RH20 2HJ

**Description:** Demolition of existing equestrian stable and storage barn and erection of replacement building to provide ancillary residential accommodation.

**Decision:** Application Refused

**Date of Decision:** 17/09/2024

**PPC Comments:** No Objection



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## Appeal Decision

Site visit made on 4 September 2024

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> September 2024

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**Appeal Ref: APP/Z3825/W/23/3330934**

**Raidons, Nutbourne Lane, Nutbourne, West Sussex, RH20 2HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- The appeal is made by Dave Blaber against the decision of Horsham District Council.
- The application Ref is DC/23/1383.
- The development proposed is Prior Notification for Change of Use of Agricultural Building to residential (C3) to form 1 no dwellings - Class Q.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal proposal relates to a prior approval notification made under Article 3(1), Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted Development) Order 2015, as amended (the GPDO).
3. The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 came into force from the 21 May 2024, which involved several amendments to Class Q of the GPDO, including development that could be permitted and relevant limitations on the permitted development rights. However, the amendments to Class Q included transitional arrangements, such that any application or appeal made before 21 May 2024 should continue to be determined against the previous version of Class Q of the GPDO. I have therefore proceeded on this basis and herein reference to the GPDO will be in relation to the 1 August 2020 version of the GPDO.
4. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters.

### Background and Main Issue

5. The permitted development rights under Article 3(1), Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO allows for the change of use of an

agricultural building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) together with building operations which are reasonably necessary to enable the conversion of the building. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.

6. The Council has raised issue with the appeal scheme complying with the exclusions set out at Paragraph Q.1(i) regarding the nature and extent of the building operations proposed.
7. I also understand that the appellant has previously sought prior approval (ref: DC/22/1968) to convert the appeal building to a dwelling. The Council refused that previous application on the basis that it had not been demonstrated that the building was capable of conversion without new structural elements, and that the proposed building operations were not shown to be reasonably necessary for it to function as a dwellinghouse.
8. Since the determination of application ref: DC/22/1968, the appellant has undertaken works involving the reconstruction of the northern section of the subject building. Main parties dispute whether these works amount to development<sup>1</sup>. Nonetheless, the Council contend that the works undertaken have been necessary to facilitate (either knowingly or unknowingly) the building's conversion to a dwellinghouse. Accordingly, the Council argue that the current proposal cannot be granted prior approval, as the previous works began before the developer's latest application to the local planning authority for a determination as to whether prior approval was required.
9. Accordingly, the main issue is whether the proposal is permitted development, in particular:
  - i) whether the building operations are reasonably necessary for the building to function as a dwellinghouse having regard to Class Q.1(i); and
  - ii) if so, whether the development began before an application was made to the local planning authority for determination as to whether prior approval was required, having regard to Class Q.2(1).

## **Reasons**

### *Building Operations*

10. The GPDO states at paragraph Q.1(i)(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas, or other services to the extent reasonably necessary for the building to function as a dwelling house. Additionally, Q.1(i)(ii) allows for partial demolition of a building to the extent reasonably necessary to carry out building operations under Q.1(i)(i).
11. Paragraph 105 of the Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the

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<sup>1</sup> As defined under Section 55 of the Town and Country Planning Act 1990 (as amended).

permitted development rights to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. Accordingly, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights.

12. Neither the GPDO nor the PPG define the term 'reasonably necessary'. Consequently, this is a matter of planning judgement based on fact and degree of an individual case. My attention has though been drawn to the Hibbitt judgement<sup>2</sup> which relates to the difference between conversions and rebuilding dealt with under Class Q.
13. The Hibbitt case makes the distinction that the level of works needed to alter an agricultural building to enable it to be used as a dwelling could be of such a magnitude that it would be tantamount to a new build, or rebuild, as opposed to a conversion. This is important because if a development does not amount to a conversion it would fail to be development permitted under Class Q. Furthermore, Hibbitt reinforces that it is a matter of planning judgement as to whether the level of works involved would still constitute a conversion.
14. Extremely limited information has been provided as to the level of works that are proposed to facilitate the use of the appeal building as a dwelling. The appellant sets out that the works would only involve building operations that are each outlined as being permissible at Paragraph Q.1(i)(i) (and as set out within associated Council guidance). Individually, the installation or replacement of the various elements of the building may be permissible. However, given the case law established by Hibbitt, it remains necessary to consider the totality of the works involved and whether it would still amount to a conversion of the building, as opposed to a fresh build.
15. In this instance there is no suitably detailed information before me as to the extent of the existing building's fabric that would be retained or replaced, or the precise nature of the works that are proposed. Indeed, the appellant's submitted drawings and design and access statement are extremely vague and unclear on these matters. Furthermore, no detailed structural information has been provided by the appellant. Therefore, despite my observations on site, I cannot suitably determine the structural integrity of the existing building, or whether new structural elements/strengthening works would be required to make the new dwelling structurally sound and compliant with current regulations.
16. I note the appellant's suggestion that the Council's planning officer has not engage with a structural engineer or professionals within the Council's building control department to assess the ability for the building to be converted. However, the onus is on the appellant to demonstrate that the appeal building is structurally capable of being converted and that it benefits from the permitted development rights established under Class Q.
17. In the absence of detailed information as to the structural integrity of the building and the full extent of works that are required to facilitate its use as a dwellinghouse, I am unable to conclude that the building operations proposed

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<sup>2</sup> Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

are reasonably necessary for the building to function as a dwellinghouse. I therefore cannot find the scheme to comply with paragraph Q.1(i) of the GPDO. Accordingly, the proposal does not benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the Order.

*Whether the development had already begun*

18. Given my above findings, there is no need for me to consider whether the previous works undertaken to the appeal building amounted to development or would breach the condition established at Class Q.2(1) of the Order.

### **Other Matters**

19. The appellant has provided copies or extracts of several appeal decisions to support his case. I do not have the full background context of these decisions. Still there remain broad similarities with the appeal scheme in that they examine the issue of what constitutes permitted development, notably, whether building operations are reasonably necessary. However, the examples relate to a variety of individual case judgements and cover a range of building specific operations. Additionally, from my reading of the decisions, it is clear that there were differences in the level and detail of supporting information provided alongside those other schemes. In any event, I have determined the appeal on its own merits based on the information before me.
20. I note the appellant's comments in relation to the potential benefits of the proposal, however, such matters fall outside the scope of the prior approval process.

### **Conclusion**

21. For the reasons given above, I find that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed.

*Lewis Condé*

INSPECTOR



## Beverly Nobbs

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**From:** Emma.Parkes <Emma.Parkes@horsham.gov.uk>  
**Sent:** 11 September 2024 09:26  
**Cc:** Guy.Everest  
**Subject:** South Downs National Park - contract ending with Horsham District Council

Dear Parish Council

As you will be aware we have been contracted by the SDNP to carry out planning work on their behalf within the Horsham area of the South Downs National Park for a number of years now. Our contract is coming to an end at the end of September and it has jointly been agreed that it will not be extended.

This means that beyond the end of September Horsham will not be carrying out any SDNP planning work.

Up until that point we will continue determining live applications, and investigating alleged breaches of planning control. The SDNP have though decided to call-in any new applications submitted in September. Our intention is to clear as much SDNP work as we can ahead of the handover.

HDC officers will produce and circulate a guidance document for Parishes and relevant District Councillors to assist in this transition, ahead of the ending of the contract at the end of the month. This will assist you in understanding your role and how you can continue to interact with the planning system. Parish Councils will continue to be a statutory consultee on applications within your Parish.

We will update our website in due course to make sure all of our customers are aware.

If you have any questions please do let us know as soon as possible so we can seek to include the answer within the guidance document. Please also copy in Guy who is drafting the note.

Kind regards

Emma

### Emma Parkes

Head of Development and Building Control

**Telephone:** 01403 215528

**Email:** [Emma.Parkes@horsham.gov.uk](mailto:Emma.Parkes@horsham.gov.uk)



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