



From: Elaine Walby on behalf of Planning.Responses
Sent: 09 June 2026 15:35
To: Planning Scanning
Subject: FW: Prior Approval Application – The Potato Barn, Kingston Lane, East Preston, BN16 1RS Application Reference: Planning Portal Ref. PP-14942521 - K/9/26/PD

PL- Rep

Please redact

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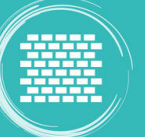
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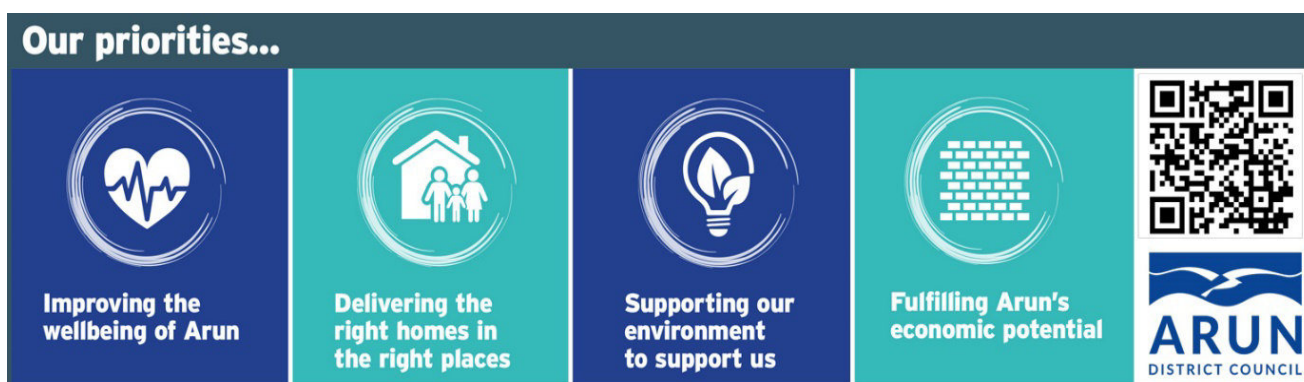
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From: [REDACTED]
Sent: 07 June 2026 18:08
To: Planning <Planning@arun.gov.uk>
Subject: Re: Prior Approval Application – The Potato Barn, Kingston Lane, East Preston, BN16 1RS Application Reference: Planning Portal Ref. PP-14942521 - K/9/26/PD

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Dear Sir/Madam,

I write to submit a formal objection to the above prior approval application.

This representation is made based on the submitted application documents, including the application form, plans, flood risk assessment and structural planning statement, together with the statutory framework governing Class Q development. In my submission, the proposal should be refused because the applicant has failed to demonstrate that the proposal falls lawfully within the scope of Class Q permitted development and has further failed to demonstrate that prior approval should be granted on the statutory matters the Council is required to consider.

1. Statutory and legal framework

Class Q allows only the change of use of a qualifying agricultural building to dwellinghouses, together with either a limited extension or building operations that are reasonably necessary to convert the building for residential use. The relevant provisions are set out in Schedule 2, Part 3, Class Q of the GPDO, as amended in 2024. Paragraph Q.1(j) limits those operations to installing or replacing windows, doors, roofs, exterior walls and services, with partial demolition permitted only where reasonably necessary to carry out those works. Paragraph Q.2(1) requires prior approval of transport and highway impacts, noise, contamination, flooding, whether the location or siting makes the change impractical or undesirable, the building's design or external appearance, and natural light.

The legal position is clear that Class Q is for conversion, not rebuilding. The High Court in *Hibbitt v Secretary of State for Communities and Local Government* [2016] EWHC 2853 (Admin), as subsequently reflected in later appeal decisions, makes clear that “conversion” and “rebuild” are conceptually different, and that Class Q does not authorise works amounting in substance to the creation of a new building. That principle was reaffirmed in later appeal reasoning which emphasises that the building must be capable of functioning as a dwelling without complete or substantial rebuilding.

The Planning Practice Guidance relied on by Inspectors in Class Q appeals likewise explains that the permitted right assumes the existing agricultural building is already capable of functioning as a dwelling and that it is not the intention of the GPDO to allow rebuilding work beyond what is reasonably necessary for conversion. That principle is specifically reflected in the 2023 appeal decision at *Land at The Old Dairy, Upper Pavenhill* where the Inspector, having regard to *Hibbitt* and the PPG, held that the decision-maker must assess whether the extent of works falls within conversion or crosses the line into rebuild.

Although the Court of Appeal decision in *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 is best known for the “fallback” point and for confirming that part of a larger agricultural building may change use under Class Q, it does not dilute the separate principle that the proposal must still be a lawful Class Q conversion. *Mansell* is authority on the scope of floor area limits and fallback considerations; it is not authority for permitting substantial reconstruction under the guise of conversion.

2. The proposal appears to exceed the scope of a lawful Class Q conversion and instead amounts to substantial rebuilding

The applicant seeks to convert the building into three two-storey dwellings. The application form confirms a net increase of 3 dwellings and a combined residential floorspace of 448.5 square metres.

However, the accompanying Structural Planning Statement demonstrates that the residential use depends upon extensive intervention well beyond the limited notion of conversion contemplated by Class Q. The report states that the proposal involves:

- the creation of three two-storey residential units;
- the insertion of new internal loadbearing lightweight blockwork or timber stud walls;
- new suspended timber floors at first floor level;
- local new foundations that “may be required” below internal loadbearing walls or external envelope walls;
- the replacement of the roof with modern insulated composite roof panels; and

- the likely removal of side rails as part of wall replacement/re-cladding, to be compensated for by designing new external walls as a structural diaphragm transferring lateral loads between columns.

That evidence is significant. It is not describing a barn which is already of sufficient integrity to be converted by modest adaptation. It is describing a structure that requires a new internal structural system, possible new foundations, replacement roofing, replacement/re-engineered walls, and a reconfigured mechanism for structural stability in order to function as three permanent homes.

In legal terms, that raises the precise concern identified in Hibbitt: whether the works are in truth a conversion, or whether they amount to substantial reconstruction such that the proposal becomes the creation of a new residential building on the footprint of an agricultural shell. The Hibbitt line of authority does not impose a simplistic test based on any one item of work in isolation; rather, it requires the decision-maker to stand back and judge the nature and extent of the operations as a whole. On the applicant's own evidence, the works here are extensive, structural, and integral to the building's ability to stand and function in residential use.

The 2023 Old Dairy appeal is distinguishable in a way that is unfavourable to this application. There, the Inspector was satisfied because the building retained its existing structural frame, much of the cladding and roof, and remained largely weathertight, so that the proposed works did **not** amount to exposing and replacing the essential envelope or creating a new structural system. Here, by contrast, the applicant's own engineer expressly contemplates new foundations, removal of side rails, structural replacement/re-cladding strategies, and new internal loadbearing elements said to improve the building's robustness and lateral performance. That points materially closer to a **rebuild** than to the modest conversion found acceptable in Old Dairy.

The Council should therefore conclude that the application has not discharged the burden of showing that the proposal falls within paragraph Q.1(j) as building operations "reasonably necessary" for conversion. If the works required go beyond what Class Q allows, then the proposal is not permitted development at all, and prior approval should be refused on that basis.

3. The evidence before the Council is insufficiently clear and internally qualified on the extent of structural intervention

A further and separate objection is that the structural evidence is materially uncertain. The report repeatedly uses qualified and contingent language, for example stating that foundations "may be required", side rail continuity "can be restored" by new wall design, and new roof loading is "expected" to be similar to the original. Those are not conclusive statements demonstrating that the building is presently capable of lawful conversion within Class Q limits; rather, they indicate unresolved design dependency on further structural interventions.

That matters because Class Q is not a broad planning balance exercise. It is a tightly drawn permitted development right with precise statutory limits. If the evidence leaves genuine doubt as to whether the proposal is a genuine conversion or whether new structural solutions are needed to make it work, that doubt should be resolved against the applicant, not in their favour. The GPDO requires clarity that the building operations are within the permitted scope; it does not invite the authority to speculate that later structural design may perhaps remain modest enough.

4. Flood risk has not been satisfactorily addressed for a more vulnerable residential use

The GPDO requires the Council to consider "flooding risks on the site" as a prior approval matter. Residential use is a materially more vulnerable use than an agricultural barn, and both the PPG and Arun's own flood planning evidence make clear that flood risk must be assessed from all sources, now and in the future, including climate change.

The applicant's FRA accepts that:

- the site is in Flood Zone 1 on the river/sea map;
- the site is at low to high risk from surface water flooding;
- the site is at low to medium groundwater flood risk;
- the site is at medium risk from the sea with climate change; and
- a ditch lies immediately south of the building, with external works needing to direct exceedance flows away from residential plots.

The FRA also recommends flood resilience measures, flood warning registration, emergency planning and even consideration of flood alarms. In other words, the report itself recognises that this is not a benign flood setting for new dwellings.

Government flood guidance states that "flood risk" includes all sources, now and in the future; that if development cannot be made safe throughout its lifetime without increasing flood risk elsewhere, it should not be permitted; that residential development should usually be assessed over a lifetime of at least 100 years; and that reliance on mitigation does not justify unsafe development. It further emphasises safe access/escape, residual risk management and the need not to expose people to hazardous flooding.

Arun District Council's own flood planning page confirms that its 2026 Level 1 SFRA supersedes the earlier version, is the Council's robust evidence base, and that the latest datasets should always be considered for planning decisions and the application of the Sequential/Exception Test. It also states expressly that surface water flooding affects a large proportion of the district.

Against that background, the FRA's conclusion that the development "should be considered appropriate" is inadequately reasoned. The report does not convincingly explain how three permanent dwellings in this location will remain safe over their lifetime in light of acknowledged low-high surface water risk, groundwater risk, climate-change-adjusted sea risk, and the immediate presence of a ditch and adjoining field drainage context. Nor does it robustly address safe access/egress for future occupiers in severe conditions.

At the very least, the Council should find that the present flood evidence is insufficient to justify prior approval for residential occupation.

5. The location and siting of the building make the proposal impractical or undesirable for residential use

Paragraph Q.2(1)(e) requires the authority to consider whether the location or siting of the building makes it otherwise impractical or undesirable for the change to residential use. This is not a token question; it is an express statutory matter which the Council must determine.

The site is plainly a rural agricultural building in an open countryside / greenfield setting. The application form identifies the site as Potato Barn, Kingston Lane, East Preston, with drawings and aerial references confirming a detached agricultural structure with surrounding hardstanding, access

track and open fields. The FRA describes the site as an agricultural building with a ditch immediately to the south. The plans identify a domestic curtilage of 383.5 sqm (excluding access road and existing footprint) and a barn footprint of 387.5 sqm.

The proposed layout is not a modest single dwelling inserted into an existing shell; it is a small residential enclave comprising three dwellings, parking, refuse/recycling stores, domestic curtilage and associated residential activity. The site plans show formal parking provision, repeated refuse storage arrangements, and a highly domesticated treatment of what is currently a simple agricultural structure in open land.

Arun's adopted Local Plan confirms the continuing policy distinction between the Built-up Area Boundary and the countryside, and includes specific policies addressing the countryside, gaps between settlements, protection of landscape character, transport, biodiversity, flood risk and drainage. The policy schedule includes Policy SD SP2 Built-up Area Boundary, Policy C SP1 Countryside, Policy SD SP3 Gaps Between Settlements, Policy LAN DM1 Protection of landscape character, Policy T SP1, Policy W DM2 Flood risk, Policy W DM3 Sustainable Urban Drainage Systems, Policy QE DM1 Noise pollution, Policy QE DM4 Contaminated land, and Policy ENV DM5 Development and biodiversity.

I recognise that a prior approval application under Class Q is not determined by the full development plan balance applicable to a conventional planning application. However, the local plan context remains relevant in understanding the real planning character of this site and whether its location or siting is unsuitable for a three-unit residential scheme. The rural, isolated and agricultural context of the building is not incidental; it is central to the paragraph Q.2(1)(e) judgment the Council must make.

While the Old Dairy appeal records that rural location alone is not enough to defeat a lawful Class Q proposal, that does not mean the Council must disregard location altogether. Quite the opposite: the GPDO expressly preserves siting/location as a prior approval matter. Here, the facts go beyond mere countryside location. The combination of isolation, flood constraints, drainage features, domestication of the site, and the creation of three separate dwellings in an agricultural setting all support a finding that the siting is impractical or undesirable for residential use.

6. The application is inadequately evidenced on highways and transport

The GPDO also requires prior approval on transport and highways impacts, and separately excludes development where the building does not have suitable existing access to a public highway.

The application form merely ticks "Yes" to the question of suitable access and repeatedly refers the authority to a planning statement for transport/highways information. However, no such planning statement has been provided in the submitted package before consultees here. The plans show a parking and manoeuvring arrangement, but there is no proper highways evidence assessing the quality of the access, visibility, vehicle tracking, emergency access, refuse movement, or the functional implications of intensifying the use to three permanent dwellings.

In a statutory prior approval regime, it is not sufficient to provide only a conclusion without the evidence needed to test it. The authority cannot properly assess paragraph Q.2(1)(a), or the gateway issue under paragraph Q.1(p), on the basis of a bare assertion.

7. The proposal would materially alter the design and external appearance of the building in a way that reinforces the conclusion that this is not a simple conversion

The statutory prior approval matters include design or external appearance. Here, the proposal would introduce a distinctly residential form of development: multiple fenestration patterns, domestic doors, domestic refuse facilities, car parking, and curtilage subdivision serving three units. The plans and structural statement confirm the installation of multiple new windows and doors and reworked elevations suitable for permanent domestic occupation.

Again, some change in appearance is inherent in lawful Class Q schemes. However, where the level of external intervention is combined with extensive structural alteration and a strongly domestic layout, it supports the broader conclusion that the proposal has moved away from the notion of conversion of an agricultural building and towards the creation of a new residential development in all but name.

8. Missing and incomplete supporting information further undermines the application

The application form repeatedly states "SEE PLANNING STATEMENT" in relation to highways impacts, noise impacts, contamination risks and flooding risks. Yet no planning statement was included in the planning documents provided with this submission set. That omission materially prejudices proper public scrutiny and leaves several paragraph Q.2 matters unsupported.

Even if a planning statement exists elsewhere on the case file, the repeated cross-reference confirms that the current application package is dependent on further material not transparently set out in the core documents lodged. That is particularly problematic where the structural report itself is already equivocal on the extent of works and where the FRA itself identifies meaningful flood concerns.

9. Conclusion

For all of the above reasons, I respectfully submit that prior approval should be refused.

In summary:

1. the submitted structural evidence indicates a proposal dependent upon extensive structural intervention, including new internal loadbearing walls, first floors, local new foundations, roof replacement and re-engineered wall/diaphragm behaviour, which strongly suggests a rebuild or substantial reconstruction, not a lawful Class Q conversion;
2. the application has failed to demonstrate compliance with the strict statutory limits in paragraph Q.1(j) of the GPDO;
3. the site is subject to acknowledged surface water, groundwater and climate-related flood concerns, and the FRA does not robustly demonstrate that the three dwellings will be safe throughout their lifetime;
4. the location and siting of this isolated rural agricultural building, together with the degree of domestication proposed, make the change to three dwellings impractical or undesirable in terms of paragraph Q.2(1)(e);
5. the application is inadequately evidenced on highways/access and relies on missing or incomplete supporting information for several prior approval matters.

Accordingly, Arun District Council is requested to refuse prior approval.

Yours faithfully,

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