

Recommendation Report for Prior Notification

REF NO: P/151/25/PD

LOCATION: Morrells Farm
Lower Bognor Road
Lagness
PO20 1LR

PROPOSAL: Prior notification under Schedule 2, Part 3, Class Q for the change of use of the main barn and the dairy to provide 3 units of tourist accommodation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Barn 1 abuts the boundary of the site and the highway. A metal gate is situated across the access where it adjoins a brick built wall that runs along the frontage of the neighbouring building.
SITE CHARACTERISTICS	The site is occupied by three barns. Barn 2 and 3 are attached. The site has a detached farmhouse which is Grade II Listed.
CHARACTER OF LOCALITY	The area is semi-rural with few residential properties along Lower Farm Road.

RELEVANT SITE HISTORY

P/62/25/PD	Prior notification under Schedule 2, Part 3, Class Q for the change of use of the main barn and the dairy to provide 3 units of tourist accommodation.	Objection 15-07-25
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REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection.

Environmental Health - No objection subject to a condition for EV charging and contamination.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Outside built up area boundary
 Prone to Groundwater Flooding
 Setting of Listed Building
 Pagham Harbour Zone B
 Gap between Settlements
 Archaeological Notification Area

DEVELOPMENT PLAN POLICIES**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

Q1. 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

Q2.-(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

Q3.-(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.

ANALYSIS OF PERMITTED DEVELOPMENT RESTRICTIONS:

This application is for the change of use of an agricultural building to holiday lets and it therefore, falls to be determined under Class Q(b)(iii) Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

Q1:

(b) The applicant claims the site is a former agricultural site which has been separated from the wider planning unit and no longer functions as an agricultural use. (iii) There was a small period when some small domestic items were temporarily stored in the barn, however have now been removed.

(c) The development proposed consists of 3 units which does not exceed 150 square metres.

(d) The number of dwellings on site would not individually or cumulatively exceed 10, nor would it exceed 1000sqm.

(e) & (f) The applicant has identified that the land in question is not occupied under an agricultural tenancy.

(h) No extensions are proposed, the proposed works do not exceed the existing external dimensions by more than 0.2m.

(i) No extensions are proposed.

(j) A structural survey has been submitted with the application which found in general both barn

buildings, as a whole, are in a good structural condition. Strengthening maybe required to roof timbers and trusses due to possible extra loading from additional finishing materials for the proposed conversion.

(k) The site is not on article 2(3) land.

(l) The site is outside of any of these areas.

(m) There are no scheduled monuments on site.

(n) The buildings are not listed, although within the curtilage of a listed building which is the criteria does not restrict.

(o) The buildings are capable of complying with the Nationally Described Space Standards.

(p) The building has a suitable existing vehicular access to the public highway at Lower Bognor Road.

OFFICER COMMENTS

An application for the same proposal was refused in July 2025 (P/62/25/PD). During the site visit, it was indicated that the applicant's husband had used the barn for storage, and the supporting statement confirmed that the access and forecourt had been used in connection with the owner's construction business. As a result it was refused for conflict with Qb(ii).

The planning statement submitted with this application further confirms 'There was a small period when some small domestic items were temporarily stored in the barn. The Planning Officer took this literally to mean that any non-material change, such as storing a washing line, meant this subsection was engaged'. It further states that there has not been any material change of use of the building. Reference is also made to an appeal decision. The appeal decision refers to an earlier version of the legislation in 2021 which states 'Q.1(a) the site was not used solely for an agricultural use as part of an established agricultural unit'. This legislation was updated in 2024 and the current version of Q.1.(b)(iii) refers to whether the site has been used for any non-agricultural purpose since ceasing to be part of an established agricultural unit. This is quite different from the earlier Q.1(a) wording.

Class Q does not provide for any discretion regarding material change of use; rather, it stipulates that Q.1.(b)(iii) development is not permitted if the building has been used for any non-agricultural purpose since ceasing to be part of an established agricultural unit. As it has been acknowledged, the site has had a degree of domestic/commercial storage and this is further supported by the structural statement which identifies a timber framed storage room that was built at this end of Barn 1, the proposal has been used in connection with uses other than that of agriculture, the proposal fails to accord with Q1(b)(iii).

PAGHAM HARBOUR

The development falls within Zone B (0-5km boundary) of the Pagham Harbour Special Protection Area (SPA). The development should ensure that there are no adverse impacts on the integrity of an Internationally Important Site. The area is protected due to the following qualifying features: Dark-bellied brent goose (Non-breeding), Ruff (Non-breeding), Common tern (Breeding), and Little tern (Breeding).

Any proposals for new residential development within the Pagham harbour buffer zone will be required to pay a contribution of £962 per new unit to contribute towards strategic access management mitigation measures per the Local Plan policy ENV DM2.

A legal agreement has not been completed and as such the proposal has not made provision towards the management of the SPA.

SUMMARY

The change does not comply with the requirements under Class Q of the GDPO. In light of this and in the absence of a signed and complete Section 106 agreement, the application fails to make a financial contribution towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area, and is to be refused.

OTHER MATERIAL CONSIDERATIONS

There are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The prior approval of the Local Planning Authority is required in respect of highways and transport, noise, contamination, flooding, suitability of location, design and natural light.

HIGHWAYS AND TRANSPORT

WSCC Highways were consulted and provided no objection. The site benefits from an existing access onto Lower Bognor Road. There does appear to be space within the parking area to accommodate additional parking if required, though this may require some cars to be blocked in as a result. It is not considered this would lead to a safety issue as there is suitable space for on-site turning and manoeuvring as required.

The application is acceptable with regards to the highway.

NOISE

There is an existing farmhouse on site to the north which falls within the same ownership however there are no other nearby residential dwellings which would be subject to noise from the change of use proposed. Whilst 3 units are sought for holiday lets and there would be some coming and goings from the site, it would not result in an unacceptably noise disruption.

There are no grounds to object to the proposal in terms of noise impact.

CONTAMINATION

The ADC Environmental Health team were consulted and provided no objection.

A condition was requested regarding unexpected contamination however no significant building works are involved with this proposal and the residential use of the existing units are not a potentially contaminating use.

There are no grounds to object to the proposal in terms of contamination.

FLOOD RISK

The site is within flood zone 1 and is therefore at low risk of tidal and fluvial flooding. There is minor element of surface water flood risk located within the hard standing area between the units however this predominately avoids the buildings.

Residential development is acceptable within this zone, and there are no grounds to resist the proposal.

SUITABILITY OF THE SITE

Class Q (paragraph Q.2 (1) advises that these applications can be determined with regard to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change

from agricultural use to a residential use.

The Planning Practice Guidance states that this paragraph "recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house."

The siting of the buildings relate to existing structures and it is not impractical or significantly undesirable to change the use to a residential unit.

DESIGN AND EXTERNAL APPEARANCE

The proposal would only involve some minor alterations of existing openings and the addition of rooflights. In the context of a conversion, and or the purposes of the prior approval, the design and external appearance of the unit would be satisfactory.

NATURAL LIGHT

Each bedroom is served by a window, and sufficient light accessibility remains for the rest of the unit. The unit benefits from sufficient light.

SUMMARY

The proposal is acceptable when considering the above matters however the proposal does not comply with the requirements under Class Q of the GDPO. In light of this and in the absence of a signed and complete Section 106 agreement, the application fails to make a financial contribution towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area, and is to be refused.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

The site falls within 5km of the Pagham Harbour Management Zone which is a Special Protection Area. Any proposals for new residential development which is likely to have an impact (within the 5km zone) is required to contribute £962 per unit. A S.106 agreement has not been completed for this development.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION**OBJECTION**

- 1 The proposal fails to accord with Q1(b)(iii) as the site has ceased to be part of an established agricultural unit and has been used for a non agricultural purpose.
- 2 The application fails to make a financial contribution towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area in conflict with ENV DM2 of the Arun Local Plan.