



Improving the wellbeing of Arun

Delivering the right homes in the right places

Supporting our environment to support us

Fulfilling Arun's economic potential

ARUN
DISTRICT COUNCIL

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Further to our call I wanted to clarify the context of the site.

The site is part of Choller Farm, it has been used to house machinery, cattle etc for many years and is an established agricultural unit. All of the land to the south, east and north is part of the same farm.

The buildings on this part of the farm have been used as part of the farm intensively but in the last few months have been used less intensively, this is why we have referred to these as former farm buildings. However they remain part of an established agricultural unit and have not been used for any other purpose.

These photos were taken a couple of months ago





The photos below were taken on Monday, These show farm machinery being stored and you can see how fresh the feed is in the troughs



Under the amended GPDO, there is no requirement for the buildings to be in agricultural use. The location of a building on an established agricultural unit is sufficient. The attached appeal confirms this at paragraph 9 - however it is clear that the buildings are still in use, albeit less intensively.

The buildings are clearly still part of the established agricultural unit. As such the application should probably be considered under Q1. (a)

The legislation states:

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,

The site was part of established unit on 24th July 2023 and so benefits from the Permitted Development Rights.

Notwithstanding the above, I wanted to address the interpretation of Q 1(b) (which we do not believe applies in this case anyway for the reasons stated above)

The legislation states:

Q1. Development is not permitted by Class Q if—

(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,

This is badly worded but we believe you need to read the legislation as a paragraph without all the irrelevant bits so it says:

Development is not permitted by Class Q if the site was part of an established agricultural unit on 24th July 2023, 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 since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose

Essentially it would need to be redundant for 10 years to be excluded from PD rights or would need to have been used for any non-agricultural purpose. (The appeal decision you sent me yesterday confirms this)

The key distinction here is that there is no word "or" at the end of paragraph (b)(i)

The subparagraphs do not operate as a simple list of alternatives. The absence of "or" after the opening limb is critical. The provision is not saying:

(a) the site was part of an agricultural unit on 24 July 2023; or

(b) ...

Instead, it says:

the site was part of an agricultural unit on 24 July 2023 and either:

it left that unit after 24 July 2023 and has not remained out of an agricultural unit for at least 10 years; or since leaving the unit it has been used for a non-agricultural purpose. (the inclusion of the word "or" after limb (i) clarifies this)

The exclusion only bites if the site was part of an established agricultural unit on that date and one of the further conditions applies.

Under any other reading, merely being part of an established agricultural unit on 24 July 2023 would exclude a site from benefitting from PD rights under Class Q. That is not the case.

Any other interpretation makes Q1.(b) (ii) largely unnecessary and would exclude a huge proportion of buildings that Parliament seemingly intended to benefit from Class Q.

The attached Explanatory Memorandum was published at the same time as Class Q was updated, this explains the intention of the changes

I trust this clarifies the position and our interpretation of the Q1(b) (albeit we do not consider that to be relevant to the status of the site)

If you have any queries please let me know

I am also reviewing the contamination comments in relation to drainage methods with our drainage consultant and will come back to you on that in the next couple of days

Kind Regards

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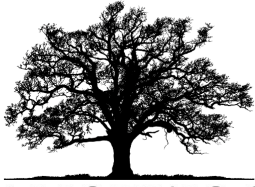
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