
Appeal Decision

Site visit made on 15 February 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2022

Appeal Ref: APP/A3655/W/21/3278082

22 Commercial Way, Guildford GU21 6HQ

- 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, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Israel Grosnass against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0388, dated 30 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is prior approval for the change of use from office (Use Class B1a) to residential (Use Class C3) to create 8 self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is permitted development under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reasons

3. Paragraph W(2)(a) under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) requires applications for prior approval to be accompanied by a written description of the proposed development.
4. Paragraph W(2)(b) requires a plan indicating the site and showing the proposed development and Paragraph W(2)(bc) requires a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses.
5. It is clear from the evidence submitted and statements from both parties that there were fundamental inconsistencies in the original submission with regards the number of dwellings. The submitted application form and description of development specified that the proposal was for 8 dwellings however the submitted plans identified 12 dwellings.

6. It is not possible for me to reasonably reconcile the clear contradictions in evidence. Even accepting that the appellant's intent was for a proposal comprising 12 dwellings, it is still clear that the requirements of Paragraph W(2)(a) have not been met, in that the written description of the proposed development on the application forms would still be inaccurate.
7. Altogether, an inability to reconcile clear contradictions in evidence brings me to the conclusion that the application was procedurally flawed. It follows that the proposal cannot be considered permitted development under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Other Matters

8. Given my findings on the main issue, a finding on the other matters in dispute, including whether there would be adequate natural light in all habitable rooms of the proposed dwellings, is not necessary.

Conclusion

9. For the reasons given above, the appeal is dismissed.

Liam Page

INSPECTOR