



Appeal Decision

No site visit made

by M Madge DIPTP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/R3650/W/21/3286817

Southfork Farm Wrotham Hill, Dunsfold, Godalming GU8 4PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr David Stedman against Waverley Borough Council.
 - The application Ref WA/2021/02582, is dated 12 August 2021.
 - The development proposed is to create one window to rear of building.
-

Decision

1. The appeal is allowed, and planning permission is granted for the creation of one window to rear of building at Southfork Farm Wrotham Hill, Godalming GU8 4PA in accordance with the terms of the application, Ref WA/2021/02582, dated 12 August 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NA/20/01, NA/20/02, NA/20/03, NA/20/04, NA/20/05 and NA/20/06.

Application for costs

2. An application for costs was made by Mr David Stedman against Waverley Borough Council. This application is the subject of a separate decision.

Preliminary matters and background

3. I visited the site in respect of 3 previous appeals on 14 September 2021. The main parties confirmed there have been no significant changes, since my visit and agreed that there was no need to carry out a further site visit.
4. On the appeal form the appellant identifies the application reference as PP.10126752v1, which is the Planning Portal's reference. The Questionnaire confirms that the Council's application reference is WA/2021/02582, which I have used for clarity.
5. A lawful development certificate was granted on 4 August 2021 for the alteration of the existing building to provide a new window¹ ('the LDC'). There is no dispute that the window referred to in the LDC is the same as the one the subject of this appeal. The LDC confirmed that the provision of this one window was not development.

¹ Council reference WA/2021/01270

Reasons

6. The **main issue** is the effect on the character and appearance of the building.
7. The Council's deemed reason for refusal is that the creation of one window is not development, as confirmed by the LDC. There is nothing in the Town and Country Planning Act 1990 as amended to preclude a planning application being made for works that do not constitute development. The fact that the window does not constitute development, and that this is confirmed by the Council's granting of the LDC, are considerations that weigh in the window's favour.
8. While the building the subject of this appeal resembles stables, its lawful use is as residential accommodation². A characteristic of a residential building is the presence of windows. The addition of a single window in an elevation that currently only contains one high level window would not materially alter the appearance of the building.
9. The creation of this one window would cause no demonstrable harm. In addition to the standard time limit, a condition specifying the approved plans is necessary as it provides certainty.

Conclusion

10. For the reasons given above, the appeal is allowed.

M Madge

INSPECTOR

² The Council granted a lawful development certificate for use of the building as residential accommodation on 11 April 2022, application reference WA/2022/00447