



Appeal Decision

Site visit made on 20 February 2023

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2023

Appeal Ref: APP/R3650/W/22/3300855

Grafham Orchard, Horsham Road, Bramley, Guildford, GU5 0LH

- 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 Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr James Mustill against the decision of Waverley Borough Council.
 - The application Ref PRA/2022/01184, dated 8 April 2022, was refused by notice dated 1 June 2022.
 - The development proposed is described as "Change of use to a dwelling house for the applicant. All existing openings are suitable for light and space."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) permits development involving the change of an agricultural building and any land within its curtilage to up to 5 dwellinghouses, subject to the criteria set out in Schedule 2, Part 3, Class Q of the Order.

Main Issue

3. The main issue in this case is whether the proposal would be permitted development in accordance with Schedule 2, Part 3, Class Q of the Order, considering whether development under Part 6 of the Order has been carried out on the established agricultural unit since 20th March 2013.

Reasons

4. It is not in dispute that the appeal site was in use for agricultural purposes before 20th March 2013, nor that the buildings to be converted were constructed prior to that date.
5. However, paragraph Q.1(g) states that if any development under Part 6, Class A of Schedule 2 of the Order was carried out on the established agricultural unit after that date then the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 is not permitted development.
6. Prior approval for a new agricultural building at the site was granted under Part 6, Class A of the Order in 2009. The appellant confirms that construction works on this building were completed in 2018. The Order does not distinguish

between works that were begun before or after the 20th March 2013, only between works that were carried out before or after that date.

7. The appellant notes that the buildings proposed to be converted were constructed in 1984, and I see no reason to doubt this. However, while these buildings essentially comprise the application site, the Order addresses the wider agricultural unit, which I have taken to be the area edged blue on plan no. 22/36/5. This encompasses both the application site and the building completed in 2018.
8. Accordingly, development under Part 6 of the Order has been carried out on the established agricultural unit since 20th March 2013. The proposed conversion to 1 dwelling would therefore not be permitted development.

Other Matters

9. Whether the site is at risk of flooding is a matter of dispute between the main parties. However, given my findings on the main issue, it has not been necessary for me to consider this further.

Conclusion

10. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR