



Appeal Decisions

Site visits made on 10 December 2024

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 February 2025

Appeal A Ref: APP/C3620/W/24/3344226

Brookwood, Weare Street, Ockley, Surrey RH5 5NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Lesley Wills against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1436 PNCE.
 - The development proposed is the conversion of farm office to single dwelling.
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Appeal B Ref: APP/C3620/W/24/3344146

Brookwood, Weare Street, Ockley, Surrey RH5 5NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Lesley Wills against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1437/PNQ.
 - The development proposed is the proposed change of use from agricultural buildings to 4 dwellings (C3 Use Class)
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Decision

1. Appeals A and B are dismissed.

Applications for costs

2. Applications for costs have been made by Mrs Lesley Wills against Mole Valley District Council in respect of both appeals. These applications are the subject of separate decisions.

Preliminary Matters

3. As set out above there are two appeals on this site. Appeal A refers to a log cabin whereas Appeal B refers to two different buildings and the wider site. I have considered each proposal on its individual merits.
4. With reference to Appeal B, the application form refers to the proposed change of use from an agricultural building, but the submitted location plan and evidence clearly illustrate two buildings. Accordingly, the description in the banner heading above has been pluralised to accurately denote the development proposed.

5. Under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), development is permitted for the change of use of a building and any land within its curtilage, from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses), subject to limitations and conditions. In order to satisfy Class MA, paragraph MA.1 (1) (b) requires the building to have been in Class E use for a continuous two-year period prior to the application. This is the remit of Appeal A.
6. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, development is permitted for the change of use of buildings on agricultural units and former agricultural buildings to dwellinghouses, subject to limitations and conditions. In order to satisfy Class Q.1 (a), the buildings are required to be part of an established agricultural unit, or they need to be former agricultural buildings that were (but no longer) part of an established agricultural unit. This is the remit of Appeal B.
7. In both appeals, the Council's sole reason for refusal is that the schemes would not be permitted development. This is because it alleges the proposed developments do not comply with the requirements of Classes MA and Q because the existing/prior use of the buildings do not fall into the use classes referred to within the prior approvals sought.

Main issues

8. The main issues are therefore:

Appeal A

- whether the proposed development would constitute permitted development as defined under Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO and if so,
- the effect of the proposed development with regard to the prior approval matters specified in paragraph MA.2. (2) under Class MA.

Appeal B

- whether the proposed development would constitute permitted development as defined under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, and if so,
- the effect of the proposed development with regard to the prior approval matters specified in paragraph Q.2 (1) under Class Q.

Reasons

Permitted Development

Appeal A

9. The log cabin that is the subject of this appeal is located to the rear of the property referred to as Brookwood. There is no planning history for the cabin nor has a certificate of lawfulness been obtained demonstrating a lawful use for the building.

10. The invoices relating to the purchase of the cabin and office furniture, internal undated photos and the appellant's statement illustrate when the cabin was bought and that it has contained office furniture. However, they do not demonstrate a continuous two-year lawful use within Class E prior to the submission of the application. In addition, the certificate of incorporation and VAT registration for Fact Services LLP and Ells Farm LLP detail the address as Brookwood but do not reference the log cabin.
11. The statement from the appellant refers to meat processing equipment and sundries being kept in the office until the storeroom was finished. The dates that the cabin was used for storage are not detailed but the evidence suggests that the cabin has had a mixed use over its lifetime. This casts doubt as to whether the cabin has been used within Class E for a continuous two-year period prior to the application.
12. Whilst the written statement from a former employee of the appellant refers to the cabin being used as an office in conjunction with the farm and accountancy businesses, the statement is vague. It confirms that the cabin was fully completed in August 2010 but does not detail when any use commenced. Reference is made to the office being used for many years, but the dates are not provided nor is there evidence of a continuous use.
13. Taking all the evidence into consideration, I am not satisfied that there is conclusive evidence that the building has a continuous two-year use within Class E prior to the submission of the application. Consequently, the appeal proposal fails to demonstrate compliance with Class MA of Part 3, Schedule 2 of the GPDO. As such it does not constitute permitted development.
14. There is no need for me to go on and consider the effect of the proposed development with regard to the prior approval matters specified in paragraph MA.2. (2) under Class MA as it would not alter the outcome of the appeal.

Appeal B

15. The buildings that are the subject of this appeal are located to the rear of Brookwood and opposite the log cabin referred to in Appeal A. Despite reference to the buildings being permitted for agricultural use, there is no planning history detailing any agricultural use having taken place within the buildings or on site.
16. In the statement from the appellant, reference is made to the appeal site being used for farm administration and injured cattle or calves being brought back to the site to be taken care of whilst the appellant lived at the site. The evidence would suggest that Brookwood was primarily used as a residence whilst Ells Farm, a nearby established agricultural holding owned by the appellant, was the agricultural holding. This would accord with what I witnessed during my visit, as the site has the appearance of a residential property with a small stable block and modest ancillary building, rather than an established agricultural unit.
17. Photographs have been submitted to support the application. Whilst some of these show chickens, ducklings and sheep, it is unclear where these photos were taken. There is a photograph of an orphan cow which would appear to be at the back of the dwelling adjacent to the swimming pool area, and a tractor in front of the log cabin. However, these would be insufficient in themselves to suggest the site was in use as an established agricultural holding.

18. Further photographs illustrate a slaughtered pig on a domestic kitchen counter and sausage making equipment within a domestic kitchen. It is also unclear where these photographs were taken. Whilst they could have been taken in the dwelling, this is not detailed. In any event, the photographs do not appear to have been taken in the buildings that are the subject of the application, and they suggest that any activity is limited to a domestic kitchen setting and more akin to food processing or production, rather than an established agricultural holding.
19. Evidence submitted in relation to Appeal A has also been submitted in support of Appeal B. The invoices relating to the purchase of the log cabin and office furniture, the certificate of incorporation and VAT registration for Fact Services LLP and Ells Farm LLP are not relevant as they do not demonstrate that the site has been used as an established agricultural holding.
20. The statement from a former employee of the appellant refers to Brookwood and Ells Farm being one, for the purpose of the parish holding number. However, there is insufficient evidence submitted to demonstrate that Brookwood has been part of the established agricultural holding based at Ells Farm. The statement details that whilst the employee lived at Brookwood, the site was used for meat processing, the storage of fridge and freezers for curing meats and storage of other agricultural related equipment. When the statement refers to chickens, turkeys, ducks, geese, calves, sheep and storage of farm equipment, it is unclear if this relates to Ells Farm or Brookwood. The evidence does not demonstrate with sufficient certainty where the machinery or animals were located. At best it would suggest a mixed use incorporating agricultural land as opposed to an established agricultural unit.
21. Taking all the evidence into consideration, I am not satisfied that there is conclusive evidence that the buildings are part of an established agricultural unit, or they have been former agricultural buildings that were (but no longer) part of an established agricultural unit. Consequently, the appeal proposal fails to demonstrate compliance with Class Q of Part 3, Schedule 2 of the GPDO. As such it does not constitute permitted development.
22. There is no need for me to go on and consider the effect of the proposed development with regard to the prior approval matters specified in paragraph Q.2. (1) under Class Q as it would not alter the outcome of the appeal.

Conclusion

Appeal A

23. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO. Consequently, it is development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance and cannot be addressed through prior approval provisions set out under paragraph MA of the GPDO.
24. For the reasons given above, I conclude that Appeal A should be dismissed

Appeal B

25. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO. Consequently, it is development for which an application for

planning permission would be required. This would be a matter for the local planning authority to consider in the first instance and cannot be addressed through prior approval provisions set out under paragraph Q of the GPDO.

26. For the reasons given above, I conclude that Appeal B should be dismissed.

V Goldberg

INSPECTOR