



Appeal Decision

Site visit made on 25 March 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/A1720/W/24/3352576

Richmond, Hook Lane, Fareham, Hampshire PO14 4LP

- 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 R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Martin and Julie Fuge (Bluecroft Ltd) against the decision of Fareham Borough Council.
 - The application Ref is P/23/1661/PC.
 - The development proposed was described as: "Change of Use of 498 sq m of Building C to Class R Permitted Uses."
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Part 3, Class R Change of Use: Prior Approval for conversion of 498 sqm of an Agricultural Building (Building C) to Light Industrial/Office Use at Richmond, Hook Lane, Fareham, Hampshire PO14 4LP in accordance with the application Ref P/23/1661/PC and the details submitted with it, and subject to the conditions in the attached schedule.

Preliminary Matters

2. I have also dealt with two other appeals¹ on this site. Those appeals are the subject of separate decisions.
3. The submitted evidence indicates that the main parties agreed that the description of development could be changed to that contained in the decision notice. I have therefore included this changed description in my above decision and have determined this appeal accordingly.
4. Subsequent to the local planning authority (LPA) refusing prior approval, the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) was amended on 21 May 2024. For the purposes of Schedule 2, Part 3, Class R, no transitional arrangements apply, and these amendments to the Order do not materially affect the issues in dispute under this appeal.
5. An updated structural condition report² (SCR) is provided with the appeal. This was not before the LPA when it determined the application. However, this updated technical information has not altered the proposed change of use that was determined by the LPA, who has also had the opportunity to comment on the

¹ APP/A1720/W/24/3352577; APP/A1720/W/24/3352578

² Cowan Consultancy, Ref: HS/456214/djb, Issue 03 dated 26 June 2024

details during the appeal. Accordingly, I have had regard to this in my determination of the appeal.

Main Issues

6. The LPA may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable the LPA to establish whether the proposed development complies with the conditions, limitations or restrictions set out under Class R. This essentially forms the crux of the reason for refusal on the decision notice.
7. In light of this, and having regard to all of the submitted evidence, the main issues are:
 - i. whether the proposed change of use would be possible without requiring the construction of a new building; and,
 - ii. whether the proposal would fall within the floor space limitation set out in Schedule 2, Part 3, Class R.1(b) of the Order.

Reasons

Change of use proposed

8. The appeal site comprises part of a nursery glasshouse building, forming a wider group of buildings within a former horticultural nursery. I understand that this use operated until about 2020 and that the buildings have remained unused since then.
9. The permitted development right under Schedule 2, Part 3, Class R of the Order allows the change of use of an agricultural building to a flexible use falling within one of a list of use classes as set out in the Use Classes Order³. This includes Use Class E (commercial, business or service).
10. Use Class E includes a subsection E(g) comprising: (i) an office to carry out any operational or administrative functions; (ii) the research and development of products or processes; or (iii) any industrial process, provided such uses can be carried out in any residential area without detriment to the amenity of that area by reason of noise, and other listed impacts. The proposal specifically seeks a light industrial or office use, which falls under Use Class E(g).
11. The appeal building contains steel frames with significant clear glazing, including the pitched roofs. Glazing panels are supported by numerous narrow aluminium frames. Internally, the building contains purlins, light frame braced columns and chord trusses. There are footings and a main concrete walkaway running within the centre of the building, with some small precast concrete access corridors provided perpendicular to this walkway. The remainder of the building floor mainly comprises compacted soil covered by a landscaping geotextile membrane. No damp proof course is present, and neither are there any internal partitions or enclosures.
12. The SCR has been undertaken by a suitably qualified professional. Its executive summary states that the glasshouse is “generally in reasonable structural condition, although some minor maintenance repair works will be required to ensure the satisfactory performance of the building against the effects of weathering”. I note

³ The Town and Country Planning (Use Classes) Order 1987

that its previous version⁴ described the external cladding and roof to be “in a state of disrepair”. Having read this previous version, and following my site visit, it is clear to me that this description does not mean that the building is beyond repair.

13. I found the building to be in reasonably good structural condition, but with many repair works required as indicated by the SCR. A number of the glass elevation panels are broken or dislodged. Signs of weathering effects on the building and water ingress within are apparent in a number of locations. This includes moss growth on the structural frame, some discolouration and deterioration of the blockwork dado walls, some rust on fixings and supports, and some internal vegetation growth adjacent many of these areas of deterioration.
14. The SCR states that although the change of use could include internal partitions and a new floor, all existing bracing elements, beams and columns can be maintained as existing, without structural alterations or modifications to the existing building frames. The SCR is not based on a detailed proposal, which is described variously by the LPA as “not practical”, “fanciful” and a “fictitious change of use”. In the absence of more detailed information, the LPA has assumed that the existing glazing would require replacing with something more durable to enable change of use, leaving only a skeletal structure.
15. It must however be borne in mind that Class R relates to a change of use of a building. Class R.3(3) and (4) set out that any external alterations would require the submission to the LPA of an application for planning permission. Whilst the appearance and form of the building is typical of a nursery function, it is largely enclosed and is therefore a structure of mass and permanence, irrespective of its age. Bearing in mind the existing building’s condition, and that many light industrial or office uses may only require rudimentary building facilities, I am satisfied that the works that may be required to facilitate such uses, such as some replacement of existing cladding, would not amount to the construction of a new building.
16. The LPA refers to an appeal dismissed⁵ following refusal of Class R prior approval for change of use of an existing glasshouse. I note however several fundamental differences from the current appeal scheme. This cited example relates to a different proposal (a 6 bedroom motel), was not supported by a structural report, and the Inspector for that appeal found the building to be in poor condition. It therefore does not justify dismissing the current appeal.
17. In conclusion, having regard to all above matters I am satisfied that the proposed change of use would be possible without requiring construction of a new building.

Floor space

18. I accept that the existing glasshouse, in its totality, exceeds 500sqm in floor area. The LPA contends that the proposal would either necessitate the subdivision of the greenhouse to create a smaller planning unit, or would fall foul of the floorspace limit of 500sq m that is permitted to change use under Class R.1(b).
19. In the case of Class R and many other Classes, “building” is defined under Article 1(2) of the Order as any structure or erection, and includes any part of a building. In this context, the question of whether the proposal would amount to a new planning unit is therefore not a relevant consideration for this appeal.

⁴ Issue 02 dated 28 September 2023

⁵ APP/W0530/W/22/3303443: Ely Road, Landbeach, Cambridgeshire

20. The proposed site plan⁶ indicates that the extent of the proposed change of use amounts to 498sq m. During my inspection, I noted that the indicated western internal boundary line is currently open, with no support posts. The SCR does not explicitly specify any proposed building subdivision works. However, I agree with the appellants that internal partitions would not be a necessary part of the proposed change of use. Any material change of use beyond the area as indicated would require additional planning permission in any event.
21. I therefore conclude that the appeal proposal would fall within the floor space limitation set out in Schedule 2, Part 3, Class R.1(b) of the Order.

Other Matters

22. No further areas of dispute have been raised by the LPA in respect of the remaining qualifying criteria under Class R.1, R.2 and R.3. However, interested parties have raised concerns relating to transport and highways impacts of the development, which is listed as one of the criteria under Class R.3.
23. The appeal includes a Transport Statement⁷ (TS), based on construction of ten small commercial units of 50sqm each within the glasshouse, which has been reviewed by Hampshire County Council (HCC) Highways Development Planning. The TS assumes a 50/50 split between office and light industry uses. In response to the initial HCC consultation response⁸, the trip generation and traffic impact assessment was amended to reflect a 100% industrial use. This indicates that an office use would likely generate less trip movements than an industrial use.
24. I note the comments of interested parties, and as maintained by HCC, in respect of the selected site parameters not adequately reflecting the location of the proposal and the type or size of proposed industrial units. The appeal proposal does not however specify a precise number of units or mix of light industrial and office use. The Heavy Goods Vehicle (HGV) forecasting is based on eight larger sites than the appeal proposal, which are also in more urban locations. I therefore agree with the appellants that those chosen sites are likely to be in more intensive use than the current proposal.
25. The section of Hook Lane near to the appeal site is a relatively narrow rural lane with some bends enclosed by hedgerow, with no footways or street lighting. During my site visit, I noted some larger vehicles using this route. Although my visit was a snapshot in time and outside of a peak traffic period, I noted that overall traffic levels were low and that vehicle speeds were tempered naturally by the physical characteristics of the lane, despite being subject to the national speed limit.
26. I am satisfied that sufficient visibility splays could be provided for the existing vehicular access, which can be secured by means of planning condition. Based on either of the overall trip generation figures, the likely increase in traffic movements would not lead to an unacceptable impact on the safe operation of the local highway network, and even when accounting for the purported limited intensity of use of the appeal site and nearby nursery in recent years.

⁶ Drawing No: 1045-PRA-NB-00-DR-A-1122-E

⁷ SW Transport Planning Ltd , Ref: P1084-01v1, dated 18 July 2023.

⁸ SW Transport Planning Ltd letter dated 05 March 2024

27. The proposed site plan⁹ includes a new route off the existing site access to provide vehicle and cycle parking and a dedicated delivery area. As Class R does not permit operational development, this development cannot form part of the appeal proposal. The proposed access and parking layout as indicated in the abovementioned site plan would therefore require additional planning permission from the LPA. Any future works that may be required to install gas or other utilities to the site are also not works that are permitted under Class R.
28. I noted during my inspection that there are existing nearby surfaced areas under the control of the appellant that could be used as parking and turning areas for the appeal proposal. As set out in Class R.2.(c), after a site has changed use under Class R, it may also be possible to provide a hard surface within the curtilage of the appeal building of up to 50sq m, subject to the limitations and conditions of Part 7, Class E of the Order. I am therefore satisfied that the proposed change of use would not lead to an unacceptable highway safety impact in terms of overflow parking on the highway, including obstruction of visibility splays.
29. My attention has been drawn to an appeal dismissed in 2009¹⁰ for a proposal including conversion of the glasshouse west of the appeal building to 12 offices. The Inspector for that appeal found that the proposed development was not attractive to bus users, would have required people to walk along Hook Lane, and that car travel was the most attractive option. That appeal was however considered under a different legislative regime and policy context than the current proposal, and thus it does not justify dismissing the current appeal on grounds of transport and highway safety impacts.
30. A number of other issues have been raised by interested parties. These include: the agricultural use and rural location beyond the urban boundary and outside of an identified employment zone; impacts on existing infrastructure, the Area of Special Landscape Quality and the nearby Hook Conservation Area; and potential hazards arising from electric model aircraft operated by aviation enthusiasts within the nearby Hook Recreation Ground. However, as the appeal relates to prior approval, the matters for consideration are restricted to those set out in the relevant paragraphs of the Order. Therefore, these other issues raised fall outside the matters I can consider under this appeal.
31. With regards to the specific level of detail provided with the application, this is also regulated by the requirements of the Order and the appellants have met these requirements. This appeal decision is based on the submitted evidence and site-specific circumstances. It therefore does not set a precedent for other proposals either relating to other buildings comprising the former nursery, or those close by.

Conditions

32. Paragraph W(13) of the Order allows prior approval to be granted subject to conditions reasonably related to the subject matter of the prior approval. The LPA has provided a list of additional conditions which it recommends should be attached to any prior approval granted.
33. Any prior approval granted for the type of development proposed under Article 3(1) and Schedule 2, Part 3, Class R is permitted subject to a condition under

⁹ See footnote 6.

¹⁰ APP/A1720/A/09/2109154:

Paragraph R.3.(2) which states that the development must begin within a period of 3 years starting with the prior approval date. Accordingly, the LPA's suggested commencement condition is not necessary.

34. I shall however make the approval subject to the plans submitted (condition 1), insofar as they relate to the subject matter of the prior approval, such as to ensure that the floor area of the proposal is defined. I have deleted the LPA's suggested reference to the SCR, as that report is not based on a detailed proposal. For clarity, I have also referred to the change of use hereby approved, rather than the development.
35. The LPA has also recommended conditions requiring details of car parking and cycle storage. However, I must specifically exclude any operational development, as this is not permitted under Class R. I have imposed a condition (No 2) requiring provision of visibility splays at the site access onto Hook Lane, as the site access visibility splays plan¹¹ demonstrates that this would not include any operational development. This condition is in the interests of highway safety.
36. Interested parties have also raised concerns regarding additional noise and light pollution. I have imposed a condition (No 3) restricting hours of works to implement the use, but have deleted the LPA's suggested references to "construction", "demolition" and "operations", as the proposal does not involve operational development. A further condition (No 4) is necessary to restrict hours of machinery operation, and deliveries taken or dispatched from the site in relation to the implemented use, in the interests of the living conditions of the occupiers of the nearest dwelling of Richmond. I have deleted the LPA's suggested reference to "processes", as this term is insufficiently precise.

Conclusion

37. For the reasons given above, I conclude that the appeal should be allowed and prior approval is granted under Schedule 2, Part 3, Class R of the Order.

R Cahalane

INSPECTOR

¹¹Drawing No: SWTP-P1084-DR-001 Rev P01, forming part of Appendix B to the Transport Statement.

Schedule of Conditions

- 1) The change of use hereby approved relates to Drawing Nos 1045-PRA-NB-00-DR-A-1121-C; 1045-PRA-NB-00-DR-A-1122-E; and SWTP-P1084-DR-001 Rev P01, except in respect of the route off the existing site access to provide vehicle and cycle parking and a dedicated delivery area shown on Drawing No 1045-PRA-NB-00-DR-A-1122-E.
- 2) Before any other works hereby approved, visibility splays of 2.4m x 60m to the east and 2.4m x 56m to the west shall be provided at the site access onto Hook Lane in accordance with Drawing No: SWTP-P1084-DR-001 Rev P01. The visibility splays shall thereafter be kept clear of any obstruction exceeding 1.0 metre in height above the adjacent carriageway level and maintained thereafter.
- 3) No works on site relating to the change of use hereby permitted shall take place before the hours of 8am or after 6pm Monday to Friday, before the hours of 8am or after 1pm Saturdays, with no works at all on Sundays or bank and public holidays.
- 4) No machinery shall be operated, and no deliveries shall be taken or dispatched from the site outside the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm Saturdays, with no such activities at any time on Sundays or bank and public holidays.