



Appeal Decision

Site visit made on 23 April 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 JUNE 2025

Appeal Ref: APP/Y3615/W/25/3359442

Unit 8 Quadrum Park, Old Portsmouth Road, Peasmarsh, Guildford GU3 1LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by S Linney (Motolegends) against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00291.
 - The development proposed is change of use of part of the ground floor from storage to retail and extension of existing mezzanine floor.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of part of the ground floor from storage to retail and extension of existing mezzanine floor at Unit 8 Quadrum Park, Old Portsmouth Road, Peasmarsh, Guildford GU3 1LU in accordance with the terms of the application, Ref 24/P/00291, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of development in the above banner heading and decision from the appeal form, rather than the planning application form. The Local Planning Authority (LPA) has not objected to the use of this amended description, and I have found that this accurately describes the proposed development. I have determined the appeal accordingly.
3. The site is within the Metropolitan Green Belt, outside of the Guildford Urban Area, and is also within the Surrey Hills National Landscape (NL) and an Area of Great Landscape Value (AGLV). The main parties agree that the proposed change of use is not inappropriate development in the Green Belt as set out in the National Planning Policy Framework (the Framework). Following my site visit, I have no reason to disagree. Given the lack of proposed external changes, I also agree that there would be no material impact on the NL and AGLV.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the employment floorspace of the appeal site as part of the Quadrum Park Industrial Strategic Employment Site; and
 - the effect on the liveliness and economic resilience of Guildford Town Centre.

Reasons

Strategic Employment Site

5. The appeal site (Unit 8) is within Quadrum Park, Peasmarsh. It is occupied by a business that stores, sells and distributes motorbike clothing and equipment, and model cars, mainly online. Quadrum Park forms one of many variously designated Strategic Employment Sites (SES), as listed under Policy E3 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (LPSS) (adopted 2019).
6. Policy E3 of the LPSS sets out in parts (9) and (10) that SES will be protected for uses that are in line with their designation. Employment floorspace will be protected and the loss strongly resisted. The supporting text to this policy advises that as a result of permitted development rights introduced in 2013, a significant amount of office floorspace has been lost, particularly in Guildford town centre. This is in addition to employment floorspace lost over the years because of the higher land values of residential use.
7. Policy E3 therefore seeks to protect floorspace to sustain employment capacity. It also seeks to accommodate existing and future need through the allocation of several employment sites. It is put to me that the supply of land for industrial uses is limited within the Borough. However, no specific evidence of this is before me beyond what is articulated within Policy E3.
8. Quadrum Park is designated for light industrial, general industrial, and storage and distribution uses, as now defined under Classes E(g), B2 and B8 of the Use Classes Order¹ respectively. The submitted evidence indicates that the use of Quadrum Park is also limited to the above uses by means of planning condition².
9. The appellant states³ that the existing mezzanine floor of Unit 8 was constructed in 2006 and retained as such thereafter. Such works are accepted by the LPA as being immune from enforcement action through the passage of time. The appellant also contends that works to provide the existing shop floor area within part of Unit 8's ground floor were undertaken in 2014, although no specific evidence of this is before me. In any event, the lawfulness of the existing use of the appeal site is not a matter that can be determined under this section 78 appeal procedure.
10. A table of the historic, existing and proposed uses and floorspaces is provided by the appellant⁴. The LPA does not dispute the floorspace figures other than that they have been rounded up, which the appellant states is to the nearest whole number. Following my site visit, I have no reason to dispute these rounded up figures as described.
11. The abovementioned table indicates that the proposal would result in a net loss of ca. 26sq m of Class B8 floorspace compared to the original planning permission⁵ for the building. The existing first floor office space would however be retained as currently shown on the floor plans. This office space is ca. 47sq m larger than the originally permitted office space, excluding adjacent entrance and WC spaces. Whilst my site visit was only a snapshot in time, I noted several employees

¹ The Town and Country Planning (Use Classes) Order 1987 (As Amended).

² Condition 6 of planning permission Ref: 05/P/00279.

³ Statutory declaration dated 23 July 2024.

⁴ Paragraph 5.7 of the appeal statement of case.

⁵ Ref: 03/P/00340.

operating on desks within the office space. It therefore clearly functions as active employment floorspace, despite being much smaller than the warehouse space.

12. To my mind, the size and layout of the proposed enlarged shop floor area cannot be reasonably described as being ancillary to the overall storage and distribution use of Unit 8 to be retained and created. That being said, the overall proposed retail space would be less than half that of the retained and proposed employment space, even when discounting spaces used for staff rooms, WCs and entrance and stairwell areas. I also noted a number of employees operating within both the ground and first floor warehouse areas during my visit, and that there is a clear interplay between the existing warehouse and retail areas.
13. As a matter of fact and degree, I have found that the proposal would not shift the balance of operation to a predominantly retail use supported by the storage and distribution, as it is put by the LPA. In terms of employment floorspace, the net loss of ca. 26sq m of Class B8 floorspace would also be offset by the retention of the existing office space that is ca. 47sq m larger than what was originally permitted.
14. In the specific circumstances of this appeal, I therefore conclude that whilst the proposal includes a part-change of use, it would not amount to a material loss of employment floorspace within Unit 8. Nor would it harm the wider function of Quadrum Park as a SES. It therefore complies with Policy E3 of the LPSS insofar as it would protect and not result in the loss of employment floorspace. The Policy E3(10) and (11) marketing requirements are therefore not applicable in this instance. Neither is it necessary to consider whether the existing employment floorspace is outmoded or unsuitably located, as set out in Policy E3(14).

Guildford Town Centre

15. Policy E7(1) of the LPSS states that in order to strengthen the liveliness and economic resilience of Guildford Town Centre (GTC), new retail and leisure uses located within the centre will be supported. Where no suitable sites are available within the centre, sites on the edge of the centre will be considered.
16. Unit 8 is located outside of and at some distance from GTC. However, upon my reading of LPSS Policy E7 as a whole, it does not explicitly seek to restrict smaller retail proposals outside of GTC such as the appeal scheme. The overall proposed retail floorspace is significantly less than 500sq m, and therefore does not require a retail impact assessment as set out under Policy E7(2). Policy E7 therefore does not require the appeal proposal to justify its location outside of GTC.
17. I accept the possibility of the appellant no longer occupying Unit 8 in the future, and that a variety of other businesses including a retail use could then occupy the building. I am however satisfied that although the proposal comprises an overall mixed storage/distribution and retail use of Unit 8, it would not amount to a predominant retail use. Nor would the proposed extended shop floor amount to the creation of a new planning unit. Any future material change of use of Unit 8 to a predominant retail use, or segregation of its shop floor to provide a standalone retail use, would thus require additional planning permission.
18. I therefore conclude that the proposal is not in conflict with Policy E7 of the LPSS, as it would not materially impact the liveliness and economic resilience of GTC.

Other Matters

19. Both reasons for refusal in the decision notice cite conflict with the Framework. The LPA's evidence does not however cite any specific parts of the Framework that are in conflict. For the reasons I give above, the proposal would not amount to a material loss of employment floorspace within Unit 8. Nor would it harm the wider function of Quadrum Park as a SES, or materially impact the liveliness and economic resilience of GTC. I have therefore not found any conflict with the relevant Framework policies or its economic, social and environmental objectives.

Conditions

20. I have considered the LPA's suggested conditions against the tests in the Framework and Planning Practice Guidance, and have amended their wording, where necessary.
21. I agree that a condition specifying time limits for the development (condition 1) is necessary in the interests of planning certainty. Condition 2 is necessary to clarify the approved plan details. Condition 3 is necessary in the interests of highway safety, despite there being no proposed change to the existing parking area. I have added reference to the existing and proposed block plan for clarity.
22. Conditions 4 and 5 are necessary to facilitate sustainable modes of transport and to mitigate adverse material highway impacts. I have reworded the LPA's suggested condition 4 to clarify the trigger points and the separate charge point and cable route requirements. I have removed reference to the precise charge point specification requested by Surrey County Council Highway Authority, as it is not a specific requirement of LPSS Policy ID3.
23. Condition 6 is necessary to control the uses of Unit 8 with reference to the Use Classes Order, in the interests of the employment function of this site within Quadrum Park, and the liveliness and economic resilience of GTC. I have worded the condition in a manner that would allow the approved retail area to also be used for office, industrial or storage purposes, as these are the uses approved under the original planning permission for the building.

Conclusion

24. The proposal is in accordance with the development plan as a whole, and the material considerations do not indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed.

R Cahalane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-05 – Rev C; and PL-02 Rev B.
- 3) The increase in retail space hereby permitted shall not be brought into first use unless and until space has been laid out within the site in accordance with approved plan PL-02 Rev B for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 4) The increase in retail space hereby permitted shall not be brought into first use unless and until 50% of the parking spaces in association with the site are provided with a fast-charge electric vehicle charging point, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The remaining parking spaces shall be provided with cable routes for the future provision of charging points prior to first use of the increased retail space hereby permitted, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The approved fast-charge electric vehicle charging points and cable routes shall thereafter be retained and maintained to the satisfaction of the Local Planning Authority.

- 5) The proposed increase in retail space shall not be brought into first use unless and until facilities for high quality, secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the site, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.
- 6) The use of the building shall be for uses falling within Class B2, B8 or E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to any Class in any statutory instrument revoking and re-enacting that Order with or without modification), with the exception of the area indicated on approved plan PL-05 Rev C as 'Proposed Shop Floor' which may be used for uses falling within Class B2, B8, E(a) or E(g) of that Order. The building shall be used for no other purpose (including any other purpose in Class E of that Order (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).