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## Appeal Decision

Site visit made on 9 September 2025

**by H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> September 2025

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**Appeal Ref: APP/D3640/W/25/3368859**

**Lucas Green Nurseries, Lucas Green Road, West End, Woking, Surrey GU24 9LY**

- 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 Alexander Stewart Clark of Lasch Ltd against the decision of Surrey Heath Borough Council.
  - The application Ref is 25/0186/GPO.
  - The development proposed is the change of use of existing buildings to flexible commercial use falling within Class E.
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. 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 GPDO) set out that the change of use of agricultural buildings to a flexible commercial use is permitted development, subject to certain limitations and conditions. Class R relates to various permitted uses, including Class E, commercial, business or service, which is the proposed use sought by this appeal.
3. Paragraph R.1 sets out a list of criteria by which development is not permitted by Class R. Paragraph R.3(1)(b) also requires, before changing the use of the site under Class R, where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in relation to several matters including the transport and highways and noise impacts of the development.
4. The submitted plans and evidence state that the appeal relates to ten buildings that are part of the wider Lucas Green Nurseries site. During my site visit I observed that several of the buildings on the plans were not present (buildings labelled D, E, R, S and T). Of the buildings that were present within the appeal site, some contained evidence of being in non-agricultural uses. The parties were given the opportunity to provide comments on the implications of these observations on the appeal scheme. I am therefore satisfied that my dealing with this issue would not prejudice either party.
5. The appellant has invited me to consider the appeal with buildings D, E, R, S and T removed from the scheme. However, no amended plans or documents have been put before me. The plans and supporting evidence are predicated on the floor area of all ten buildings and the omission of these buildings would result in a substantial

difference and fundamental change to the development upon which the Council made its decision. This would cause procedural unfairness to interested parties as it would deprive those entitled to be consulted on an application the opportunity to make a representation. As such, I have considered the appeal on the basis of the plans and documents before me which includes all ten buildings.

6. The main issues are therefore:

- whether the proposal falls within the scope of the permitted development rights under Schedule 2, Part 3, Class R of the GDPO; and,
- if it does, whether or not prior approval should be granted, having regard to (i) the transport and highways impacts and (ii) the noise impacts of the development.

## Reasons

7. The evidence states that the appeal site forms part of a wider agricultural site that is understood to have previously been in use for the production, processing and distribution of herbs. The submitted plans and evidence state that the appeal relates to ten buildings within the wider Lucas Green Nurseries site which are indicated on the Location Plan and Site Plan.
8. As set out above, several of the buildings indicated on the plans were not present at the time of my site visit. The appellant states that the buildings have been temporarily moved to allow for repairs and maintenance and the intention is to reinstate them on site as per the submitted plans. However, I have no substantive evidence before me that the erection or reinstatement of the five absent buildings would not amount to operational development requiring planning permission, which is not permitted by Class R, or that such development would be lawful. Nevertheless, the fact remains that the buildings were not present within the appeal site at the time of my visit. The provisions of Class R relate to the change of use of a building. As these buildings do not currently exist on the appeal site, they cannot benefit from this permitted development right.
9. Of the buildings that were present within the appeal site (A, B, C, F and U), I also observed that some contained evidence of being in non-agricultural uses. Buildings A and B contained materials, machinery and equipment for woodwork/joinery and stone cutting respectively, which is consistent with the uses described in the appellant's evidence. The land to the front of these buildings was also being used for storage of large pieces of stone and materials. Building U contained signage for 'AB Dental Laboratory' and buildings C and F appeared to be empty.
10. I note the appellant refers to these uses being temporary and the proposal complying with the relevant dates listed under paragraph R.1(a) of Class R. However, to first be eligible for consideration under Class R, the existing operations or use of the buildings must be as specified in the permitted development right. In this case, the Class relates to *'agricultural buildings'* and *'R. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use [...]'*. Therefore, the existing use of the buildings must be solely agricultural use, which is not the case in this instance.
11. Given the proposal encompasses buildings and land not falling solely within agricultural use and relates in part to buildings that do not exist on the appeal site, I conclude that

the proposal fails to fall within the scope of the permitted development rights under Schedule 2, Part 3, Class R of the GPDO, therefore prior approval cannot be granted.

12. As a result, it is not necessary for me to consider the two reasons that the Council gave for refusing to grant prior approval relating to the transport and highway and noise impacts of the development. Nor is it necessary for me to consider any other matters raised by interested parties. This is because even if I were to find the proposal to be acceptable in these regards, it could not alter my overall conclusion that the proposal is not permitted development under Schedule 2, Part 3 Class R of the GPDO.

### **Conclusion**

13. For the reasons given above, I conclude the appeal should be dismissed.

*H Whitfield*

INSPECTOR