
Appeal Decisions

Site visit made on 4 November 2025

by **Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 10th November 2025

Appeal A Ref: APP/Y3615/C/25/3363964

Appeal B Ref: APP/Y3615/C/25/3363966

Land North West of Grafton, Polesden lane, Ripley, Woking, GU23 6DX

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Richard Spencer-Skeen (A) and Mrs Lisa Spencer-Skeen against an enforcement notice issued by Guildford Borough Council.
 - The notice was issued on 25 March 2025.
 - The breach of planning control as alleged in the notice is the material change of use of land for a mixed use of storage and residential and associated operational development consisting of the erection of a building.
 - The requirements of the notice are: i) Cease the use of the Land for storage purposes; ii) Cease the use of the Land for residential purposes; iii) Remove all items stored on the Land; iv) Remove all items on the Land for residential purposes; v) Demolish the building approximately hatched in black on the attached Plan A; vi) Dig up and remove the hard surfacing in the approximate location hatched green on Plan B; vii) Reseed the Land to grass; viii) Remove all debris and materials resulting from compliance with the above steps.
 - The periods for compliance with the requirements is 1 year.
 - The appeals are proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 (as amended).
-

Decisions

1. The appeals are dismissed and the enforcement notice is upheld.

Ground (d)

2. An appeal on ground (d) is made on the basis that it is too late to take enforcement action. The breach of planning control enforced against is one of material change of use of the land. It is not disputed that that has taken place. Operational development is included in the description of the development, but that is on the basis that it is part and parcel of the change of use, that is associated with it rather than as a separate breach of planning control in its own right.
3. For a material change of use of land to become lawful through immunity from enforcement it must have commenced and endured continuously for a period of 10 years. The notice was issued on 25 March 2025, hence the mixed use would have to have begun by 25 March 2015. The appellants bought the land along with the adjoining residential property, Grafton, in December 2019, so in order to succeed on this ground they must rely on the use of the land before they bought it.
4. When they moved purchased Grafton and the appeal site the appellants stationed two storage containers on the appeal site land to store furniture from their previous property and items purchased for their planned renovation of the dwellinghouse at Grafton. Some hardstanding was also laid at this time, and in March 2020, when the Covid pandemic started, Mr Spencer-Skeen moved tools and plant for his work

as a builder to the site, having had difficulty accessing his previous storage facility. Subsequently additional covered storage was added for plant machinery and a home office/summer house was erected to enable Mrs Spencer-Skeen to work from home during Covid while Grafton was being renovated. The covered storage, office/summer house and containers are now linked to form a single structure.

5. As far as they are aware, it seems that immediately prior to their acquisition of the land it has been in use by a local roofing company and a quantity of roofing tiles were left on the land. At that time there were a number of sheds/outbuildings which were in poor condition, and it appears these were subsequently removed or adapted/subsumed within the linked structure described above. The former owner of Grafton and the appeal site was apparently a plumber, and it is claimed that he also stored work tools and materials on the appeal land, though it is not claimed that he used the land for residential purposes also.
6. However, whatever the use of the land when it was purchased by the appellants, aerial imagery from 2017 shows the land to be laid to grass with no evidence of any significant storage or residential use, and similarly imagery from 2018 shows the land to be grass with no indication of a storage or residential use. By contrast, imagery from April 2020 shows part of the current structure in place and an area of hard surface, along with items stored on the land, both on and off the hard surface. By June 2021 the full existing structure is present, and it is not in dispute that parts are in use for purposes associated with the use of Grafton as a dwellinghouse, while other parts are used for business storage purposes, in other words the mixed use enforced against.
7. Looking at the evidence as a whole over the relevant 10 year period, there is no precise evidence of when the building/roofing company which occupied the site before the appellants started using it for business or storage use, but the aerial imagery suggests that it was not in that use in 2018, and there is no precise and unambiguous evidence that it had been used for both business storage and residential purposes at any time before 2020. Even if the previous occupant of Grafton had stored some plumbing tools on the land, as suggested, that would not necessarily have amounted to the material change of use alleged.
8. In short, the appellants are unable to demonstrate, on the balance of probabilities, that the material change of use had occurred by March 2015 and had subsequently endured such that the Council could have taken enforcement action against it at any time. In an appeal on ground (d) the burden of proof is on the appellants, but it has not been discharged in this case, and it follows that the appeal on this ground cannot succeed.

Ground (f)

9. It is evident from the notice that its purpose is to remedy the breach of planning control by restoring the land to its condition before the breach took place. The appeal on this ground must therefore show that lesser steps than specified in the requirements would remedy the breach in that way. However, what has been put forward relates to the planning merits of the development, which I am unable to consider in the absence of an appeal on ground (a). The steps specified appear to me to be no more than is required to restore the land to its condition before the breach took place, and the appeal on this ground must also fail.

Ground (g)

10. This ground is that the compliance period specified in the notice falls short of what should reasonably be allowed. A period of 5 years is sought, but the reasons given relate more to the on-going need for the facilities, which goes to the planning merits of the development rather than the time it would reasonably take for compliance with the steps. A period of 5 years would be tantamount to a temporary planning permission, which in the interests of proper planning requires an application to, and consideration by, the local planning authority. A period of 1 year is specified for compliance. This appears to me to be entirely reasonable period within which the steps required could be accomplished and would also be more than sufficient to allow for the determination of an appropriate planning application should that be the appellants' intention.

Paul Dignan

INSPECTOR