



Appeal Decision

Site visit made on 3 November 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/Z5630/W/25/3371767

Land at Entrance to Footpath from Access Road for Land South of Green Lane to Chalky Lane, Kingston Upon Thames, Chessington KT9 2DT

- 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 Mr Clive Weston against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/03229/PAS2R.
 - The development proposed is change of use of existing barn structures to one residential unit. Location is unchanged from existing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Class Q of the GPDO was amended on 21 May 2024 and included provisions for transitional arrangements. The appellant has confirmed in their application form that they were not applying under such transitional arrangements, and I have therefore considered the appeal on this basis.
3. As part of the appeal, the appellant has submitted a structural report, roof and wall calculations, a flood risk assessment, planning statement including a letter dated 1 April 2010 from Clive Weston & Co Ltd to Alliance Planning and a transport and access statement.
4. The Council has objected to the inclusion of new material at the appeal stage. However, I consider that the inclusion of these supporting documents would not evolve the scheme or amount to a fundamental change which would ultimately result in a different application to that which was considered by the Council. Furthermore, based on the evidence before me, I do not consider that accepting these documents would deprive those who were entitled to be consulted on the application of the opportunity to make any representations that they may have wanted to make on the application as amended, given the limited nature and extent of the changes proposed. The Council has also been given an opportunity to comment upon these documents. Therefore, in this instance, I am satisfied that there would be no substantive or procedural reason not to accept this additional evidence, and I have made my decision on this basis.

5. However, amended floor plans have also been submitted which increases the size of bedroom 2 and reduces the size of bedroom 3. The appeal process should not be used to evolve a scheme¹, which accepting these plans would do. Furthermore, accepting these amendments would amount to a fundamental change to the scheme which would prejudice the position of the Council. Therefore, I have based my decision on the floor plans which were before the Council when the application was determined.

Background and Main Issues

6. The Council refused the application on four grounds. The first relates to the Council considering that the existing building is not an agricultural building and that it is not situated on an established agricultural unit. In this regard, I note that the Council has referred to conflict with paragraph Q1.(a) of Class Q in its decision notice. However, this paragraph relates to time limits of a site that has been accepted to be part of an established agricultural unit. It is clear that the reasoning for this refusal reason relates to paragraph Q.(a) of Class Q. Based on the evidence of the parties, I am satisfied that neither would be substantively nor procedurally prejudiced by the first main issue focusing on paragraph Q.(a) of Class Q.
7. The Council also refused the application based on conflict with paragraphs Q1.(j)(i) and Q1.(o) of Class Q owing to the extent of the refurbishment required and the proposed bedrooms 2 and 3 not complying with the Nationally Described Space Standards (NDSS).
8. Furthermore, the Council also identifies the proposal would not comply with condition Q2.(1)(a) due to insufficient information having been submitted in relation to the site access arrangements and the effect on the function and safety of the local road network.
9. Accordingly, the main issues are whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GDPO, having regard to:
- whether the development consists of a change of use of a building that is part of an established agricultural unit, or a former agricultural building that was (but is no longer) part of an established agricultural unit;
 - whether the building operations are reasonably necessary for the building to function as a dwellinghouse;
 - whether the proposal would comply with the NDSS; and
 - the effect of the proposal on highway safety.

Reasons

Change of use

10. Section 336 of the Town and Country Planning Act 1990 (as amended) (the Act) sets out that agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of

¹ Procedural Guide: Planning appeals – England paragraph 16.1

land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.

11. Schedule 2, part 3, paragraph X. of the GPDO sets out that for the purposes of part 3 permitted development rights, an agricultural building 'means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses'.
12. An established agricultural unit for the purposes of Part 3 is also defined in paragraph X. as 'agricultural land occupied as a unit for the purposes of agriculture - for the purposes of Class Q, on or before 20th March 2013 or for 10 years before the date the development begins'.
13. It is the appellant's case that the letter from Clive Weston & Co Ltd to Alliance Planning dated 1 April 2010 demonstrates the agricultural use of the building. This letter describes that since 1991 the area was used for the storage of wood. It is stated this commenced with the construction of the wood store where planked wood was stored for seasoning. The letter further states in conjunction with this, trunks were continuously collected that were ringed on site and cut using chainsaws and axes. The letter states that a huge supply of logs was stored for burning during this time. The appellants statement of case further sets out that the existing building was in use as a timber processing business in 2010. The use of the site as described in the letter and statement of case, clearly falls outside of the definition of agriculture as defined in the Act.
14. I have also been provided with an extract of what is described as a title deed dated 1919 referring to 181 acres of land associated with Copt Gilders Hall Farm. I note that this appears to be an advertisement for the auction of the land, rather than a title deed. However, in any case, no plan or map accompanies this piece of evidence which identifies the appeal site as forming part of the established agricultural unit of Copt Gilders Hall Farm.
15. References have also been made in the appellants submission to the site being used to store timber for fence repairs and agricultural machinery for maintenance of the land, meaning the wood store is ancillary to an agricultural use. However, there is little substantive evidence before me that I could rely upon to confirm that this was as part of an established agricultural unit.
16. From my visit it was clear that the land surrounding the building was significantly overgrown and untended, with the building empty and in a state of disrepair. At the time of my visit, there were no agricultural activities being undertaken within the building and its curtilage or agricultural activities in the wider area that the site appeared to form a part of.
17. As such, I conclude that the evidence fails to demonstrate that the development consists of a change of use of a building that is part of an established agricultural unit, or, a former agricultural building that was, but is no longer, part of an established agricultural unit. The proposal therefore does not benefit from permitted development rights under paragraph Q.(a) of Class Q, Schedule 2, Part 3 of the GPDO.

Building operations, NDSS and highway safety

18. Owing to my findings above, the development cannot be considered under Schedule 2, Part 3, Class Q of the GPDO. Accordingly, it is therefore not within the scope of my considerations to assess the development against the subsequent provisions and conditions of this class. Even if I was to reach a finding on these issues, it would not affect the outcome of the appeal given the proposal is not permitted development under Class Q.

Conclusion

19. For the reasons given above, the appeal should be dismissed.

C Housden

INSPECTOR