
Appeal Decisions

Site visit made on 19 October 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2026

Pipkin, Grove Heath Road, Ripley, Woking GU23 6EU

- The appeals are made under section 195 of the Town and Country Planning Act 1990, as amended (the Act), against refusals to grant a certificate of lawful use or development.
 - The appeals are made by Mr Ziad Tokatly against the decisions of Guildford Borough Council.
 - The applications were made under section 192(1)(b) of the Act.
 - In both appeals the development for which a certificate of lawful use or development is sought is 'the construction of a single storey outbuilding to the east of the dwellinghouse'.
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Appeal A ref: APP/Y3615/X/25/3368625

- The application ref 25/P/00265, dated 25 February 2025, was refused by notice dated 13 June 2025.
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Appeal B ref: APP/Y3615/X/25/3374325

- The application ref 25/P/00982, dated 3 July 2025, was refused by notice dated 12 September 2025.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. There are two appeals made by the same appellant, each for a similar proposed outbuilding in essentially the same position next to a house known as Pipkin. Both applications were refused by the Council for the same reason. I have, therefore, considered the appeals together, except where stated.

Main Issue

3. The main issue in each appeal is whether the Council's decision to refuse the application for a lawful development certificate was well founded.

Reasons

4. The applications sought to ascertain whether the development applied for would have been lawful if carried out on the date each application was made. For either appeal to succeed, the onus is firmly on the appellant to demonstrate, on the balance of probability, that each outbuilding was permitted development, granted planning permission by Article 3(1) and Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).
5. As well as the other relevant limitations and conditions of Class E (which are not in dispute), in E.(a) buildings provided within the curtilage of a dwellinghouse as permitted development must be built as 'required for a purpose incidental to the enjoyment of the dwellinghouse as such'. Other than in E.4, which contains 'for the domestic needs or personal enjoyment of the occupants of the dwellinghouse', this phrase is not defined in the GPDO.

6. The nub of the Council's reason for refusal in both appeals is the same. In essence, that the size and scale of the outbuilding in relation to its indicated uses, fails to be required for purposes incidental to the enjoyment of a dwellinghouse as such.

Appeal A

7. According to the application plans, this outbuilding would contain a gym, a sauna room, a changing room, a garage (including workshop space) and a services room. It would be single-storey with a pitched roof and a rectangular floorplan 6m wide, 17.33m long and about 88sq.m gross internal area (GIA).
8. The appellant submitted medical evidence with the appeal. A home gym with some recommended equipment is for the appellant's wife's long-term post-spinal surgery musculoskeletal rehabilitation and enduring quality of life, due to a chronic orthopaedic condition. It would also be used by the appellant and their children to exercise. This is essentially accepted by the Council.
9. Even if these specific medical circumstances are not shared by many people, there is little evidence they are unique. Nor that these needs should instead be met in a medical setting or at a public or private gym elsewhere. A home gym for physiotherapy (with some visits by a practitioner) and for family members to keep fit generally on a daily basis for leisure purposes is, in my judgement, within a spectrum of activity that is not uncommon and normally accepted in domestic settings for planning purposes.
10. A dedicated room or space for this activity, including in an outbuilding, is not unusual for a four bedroom family sized five person house such as Pipkin, including to avoid interfering with or displacing primary living accommodation. The gym would be close to the house but the small sauna room and small changing room would each be a convenient complementary functional adjunct, with just enough space for comfortable use and, as such, reasonably required next to the gym.
11. However, while some additional gym equipment might also be needed, the application plans do not show a gym layout. Even allowing for unrestricted circulation space for safe use, given that the gym would take up a significant proportion of the outbuilding (approaching half), I cannot be certain that the GIA is reasonably required or comparable to any other such gym. Nor without leaving significant unaccounted, evidently surplus space.
12. The proposed 'two bay' garage was intended to securely park a second car, a common situation for a household such as at Pipkin. Unchallenged by the Council, a garage on the ground floor of a large existing outbuilding was used to park one car with a workshop space. Although this has since been converted to living accommodation (as has the upper floor that was a studio/home office) to form a 'habitable annexe', I am satisfied from what I saw that this was likely the case.
13. According to the application plans, the proposed garage would be approximately the same shape, dimensions and GIA as this former garage. On this basis, the proposed garage would be reasonably required, albeit now essentially like for like to securely park one car, including sufficient unobstructed space for people to move around a modern, family-sized car or open doors and for cycle storage without interference.

Appeal B

14. According to the application plans, this outbuilding would contain a gym, a garden store/tractor shed (including workshop space) and a services room. It would be 6m wide, 15.33m long and about 77sq.m GIA, similar in siting and form to the Appeal A outbuilding.
15. The gym would be for the same purposes as in Appeal A with the same shape, dimensions and GIA. However, while the application plans list 7 pieces of equipment this does not tally with the 5 unlabelled pieces (symbols) shown in the gym. The appellant argues it is a reasonable range and not intended to be a conclusive representation but to give an idea. Nevertheless, there is little else to persuade me that this somewhat vague and arbitrary approach is a sound basis for my decision.
16. I accept that gym equipment might increase or be substituted in the future or change in layout. But with respect to what is shown now and for the purposes of my assessment, it is not clear what equipment is intended from the outset. Nor therefore if it is consistent with what is said to be needed and might justify the size of the gym on that basis. This includes in layout and even allowing for unrestricted circulation space for safe use given that requisite margins for this are not shown in the plans.
17. As a result, given that the gym would take up an even greater proportion of this outbuilding (virtually half), I cannot be certain that the GIA is reasonably required or comparable to any other such gym. Nor without leaving significant unaccounted, evidently surplus space.
18. The garden store/tractor shed would occupy the same part and extent of this outbuilding as the garage in Appeal A. The application plans show a 'ride-on mower' in one corner. It is not an unusual piece of domestic machinery for a house such as Pipkin, in a rural area with large grounds, including a field. I also accept that other gardening equipment, garden furniture and cycles would need secure storage, including for instance the tennis court net when not in use. Despite that these more routine items are not shown in the application plans, I am satisfied, in my experience, that a garden store/tractor shed of the GIA proposed (essentially not dissimilar to a large garage, such as in Appeal A) would be reasonably required to store such domestic paraphernalia.

Appeal A and Appeal B

19. The same workshop space in each outbuilding (with work benches, shelving or cupboards as appears intended in the application plans) could be used by the appellant to maintain a car, a ride-on mower, bicycles or other domestic paraphernalia of the sort outlined above. It would be conveniently located for this use, modest in GIA and common at many residential properties, including in a rural location or with large grounds so reasonably required.
20. Each services room would have the same modest GIA. There is little evidence to counter that either would be reasonably required for plant needed to serve each outbuilding and the house, such as an air source heat pump and air receiver unit and for hot water and electricity.

Other Considerations

21. The house is currently being extended and extensively internally reconfigured. No plans before me show the final layout or function of rooms. The relevance of a pre-existing ground floor plan, which does not anyway show room labels is therefore largely a moot point, as is the absence of any pre-existing first floor plan. From what I saw, and given little evidence to the contrary, the resulting house could include a sauna room, and a bedroom could also be a changing room. Otherwise, most of the rooms already established would not be large enough or conveniently located for a gym of the shape, dimensions and GIA in each proposed outbuilding. Rooms that might be used in this way would likely interfere with or displace intended primary living accommodation.
22. Outside, the large existing outbuilding, which could have been retained to park a car with a workshop area or to store a ride-on mower, has instead been converted to the habitable annexe. A shed and a 'stable' (stall) are used to store a variety of miscellaneous, mostly small, domestic items. Either could be or include a workshop area or continue to be used in these ways, including to store bicycles. But these two mainly timber structures are not permanent buildings, nor large enough or as conveniently located to meet all or some of what is intended for either proposed outbuilding.
23. Be that as it may, this is not how the appellant wants to use Pipkin or the existing outbuildings for his family occupation. In assessing whether a proposed outbuilding would be for a purpose incidental to the enjoyment of the dwellinghouse as such, for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, it is the normal functional relationship between the proposed use(s) and the existing lawful residential use as a house that is under consideration.
24. In this regard, the appellant is the owner of Pipkin which was not lived in at the instant of either application (or in these appeals). But there is no apparent reason why two separate applications cannot be submitted in advance of occupation, seeking to establish the lawfulness of each outbuilding and different uses that could potentially be taken up depending on what is eventually settled on. Provided these are uses normally found in a domestic setting, a sequence of applications one soon after the other and variation in uses should not be taken as 'contradictory' or a lack of 'firm intended purpose'. Class E permitted development rights run with the land, not an individual.
25. Additionally, the overlapping siting means only one of the proposed outbuildings (and intended uses) could anyway come into being. None of the uses would be indicative of primary dwellinghouse living accommodation or residential use of either outbuilding, which is excluded from Class E (also confirmed in Government guidance¹).
26. I saw no field gate for vehicle access onto Grove Heath Road near the garage in Appeal A and the existing vehicle access is on the opposing side of the house. The extension, with what appeared to be a large pool under construction near it, mean it is not likely that a car could transit from this garage to the existing access. But whether or not this part of the Appeal A outbuilding could be used as a garage to park an actively used car (as opposed for instance to a stored car, such as a

¹ Permitted development rights for householders - Technical Guidance, September 2019.

classic car under restoration) is not within the scope of this appeal. Nor is whether a historic field gate vehicle access could be re-instated, or a hardstanding or driveway provided, with or without planning permission (including under the GPDO). These would be separate matters for the appellant and the Council, including (subject to the outcome of each appeal) in the event that either outbuilding departed from approved plans or was subsequently used in a materially different way.

27. The appellant referred me to the development plan, National Planning Policy Framework and planning merits. These considerations are not relevant to my assessment of a lawful development certificate application because it is not a planning application. Nor is section 38(6) of the Planning and Compulsory Purchase Act 2004, as amended, for this same reason.
28. I have had regard to the lawful development certificate appeal decisions for proposed domestic outbuildings put to me by the appellant² and the Council³. There is little evidence that the details of those cases are the same or directly comparable to the current appeals, though I acknowledge some similarities and the general thrust of each Inspector's reasoning.

Conclusions

29. After also considering relevant caselaw, including that put to me by the appellant⁴, whether an outbuilding is required (as opposed to, for example, an extension or re-purposing of existing rooms) is essentially for the occupants of a dwellinghouse to determine; though in these appeals, within the bounds of Class E and what is reasonable.
30. In both appeals, there is little to counter that the appellant's family domestic needs and intentions for their occupation of Pipkin and a new outbuilding reflect genuine, circumstances, in line with E.4 in the GPDO. A particular type or scale of room in a Class E outbuilding is not excluded by the GPDO per se. No rooms would be for a novel or unprecedented use, but rather part and parcel of family living or typically connected with the running of the house. Consequently, I am satisfied that the nature of these uses would have a normal functional relationship between the ordinarily incidental use of each outbuilding and residential use of the house and as such are reasonably required.
31. However, the resulting intrinsic size of an outbuilding or in relation to the size of a house are relevant factors and may be determinative.
32. Both outbuildings would constitute a substantial proportion of the ground floor area of even the extended house (more so in Appeal A) and be in close proximity to it. But about half of the GIA would not be primary living accommodation and include uses that could not reasonably be met inside the house. There is no in principle barrier to consolidating uses into a single outbuilding rather than several, including to achieve construction or fit out cost economies of scale and efficient or convenient functional operation. Both outbuildings would remain visually and physically subservient in overall form and massing compared to the total floor area and two-storey form of the extended house.

² APP/X0360/X/21/3285604, APP/Y3615/X/22/3295550, APP/C3620/X/20/3248194, APP/P1805/X/23/3314062

³ APP/E2734/X/22/3306371

⁴ *John Emin v SSE & Mid Sussex DC* [1989] JPL 909, *Wallington v the Secretary of State for Wales & Montgomeryshire District Council* [1991] JPL 942, *Holding v FSS & Thurrock BC* [2004] JPL 1405, *LB Croydon v Gladden* [1994] 1 PRL 2

33. Notwithstanding this, as a matter of fact and degree, the size of each gym would account for a significant proportion of each outbuilding. This in turn largely dictates the overall size of outbuilding but where the function of some floorspace has not been objectively justified with sufficient precision. This ambiguity fundamentally undermines the appellant's claim that the size of each outbuilding as a whole is reasonably required. In these circumstances, the unwarranted, disproportionately large footprint and excessive form of each outbuilding would otherwise appear to be the unrestrained whim or personal preference of the appellant.
34. On this basis, both outbuildings would not entirely have been required for a purpose incidental to the enjoyment of a dwellinghouse as such. Since there is no power for me to modify the terms of either application, paragraph E.(a) was not met and each outbuilding was not permitted development granted planning permission by Article 3(1) and Schedule 2, Part 1, Class E of the GPDO. The appellant has therefore not shown, on the balance of probability, that either outbuilding was lawful on the date each application was made.
35. For these reasons, and on the evidence now available, I am satisfied that the Council's decisions to refuse to grant a lawful development certificate were well-founded. Accordingly, both appeals do not succeed and I exercise the powers transferred to me in section 195(3) of the Act.

Robin Buchanan
INSPECTOR