

Appeal Decision

Site visit made on 29 November 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 January 2017

Appeal Ref: APP/M3645/W/16/3154412
159A Godstone Road, Whyteleafe CR3 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Terry Gunstone against the decision of Tandridge District Council.
 - The application Ref TA/2015/2267, dated 21 December 2015, was refused by notice dated 4 March 2016.
 - The development proposed is internal alterations to enable change of use from office spaces to 3 self-contained studio flats. Demolition of front raised patio to enable level access to 2 parking spaces from the street.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is unsuitably located for commercial use and whether commercial use is no longer viable; and,
 - whether the proposal would incorporate measures to reduce carbon dioxide emissions through on-site renewable energy provision.

Reasons

Location and viability

3. At my visit the site was unoccupied. While there is disagreement between the parties as to whether the last use of the site was as offices or as retail, it was clearly a commercial use, where Policies CSP22 of the Core Strategy 2008 (CS) and DP4 of the Local Plan Part 2: Detailed Policies 2014-2029 (LPP2) regarding change of use apply.
 4. CS Policy CSP22 says that the Council will make the best use of existing commercial sites, especially those suitable for small businesses. It also says that it will allow redundant or unsuitably located commercial sites within built-up areas to be redeveloped for housing or alternative uses. LPP2 Policy DP4 requires that for an alternative use of a commercial site to be permitted in this area, it should be demonstrated that, either the site is unsuitably located, or that the current use or an alternative commercial use is unviable, which should be justified by a marketing exercise of at least 12 months duration.
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5. The Council concludes against these policies that the site is not unsuitable for commercial use, and that it has not been demonstrated that the current use or alternative commercial use of the site is unviable.
6. In respect of the first part of LPP2 Policy DP4, there is no substantive evidence that the site is unsuitably located. While I note that the immediate surroundings of the site include houses and flats, there is nothing to suggest that the living conditions of their occupants would be harmed by continued commercial use of the site. I acknowledge that the Godstone Road is busy and that a commercial use would generate trips from visitors or occupiers. However, there is no evidence that this would be likely to generate congestion any more than this proposal which includes two additional parking spaces. I appreciate that the appeal site is displaced from the concentration of shops in the local centre, which is across the roundabout, and further along Godstone Road, but this does not make its location unsuitable for a commercial use.
7. Turning to the second part of the policy, the appellant has submitted with the appeal a letter from a property services company stating that the property has been marketed for some months, and that three viewings have taken place. The appellant confirms that no reasonable offers were received. While I acknowledge the efforts of the appellant to secure a commercial use, there are few details to support the effectiveness of the marketing exercise undertaken. For instance, it is unclear for how long the site has been offered. Nor is there any evidence of how it has been marketed, when the viewings took place, or any feedback or actions following those viewings. I must therefore conclude, on the basis of the evidence before me, that it has not been demonstrated that the site is unsuitably located for commercial use and that commercial use is no longer viable. The proposed change of use would thus be in conflict with LPP2 Policy DP4 and CS Policy CSP22.
8. I acknowledge the appellant's reference to paragraph 51 of the National Planning Policy Framework, which says that applications to change commercial buildings into residential use should be permitted. However, I note its proviso that this is where there are no strong economic reasons that suggest such development would be inappropriate. Policy DP4 provides sufficient flexibility to allow such changes where the economic justification has been made, which is not the case on the evidence before me. The appellant points out that the proposal may fall under permitted development, referring to the development of flats in Whyteleafe Business Village, however this appeal relates to an application for planning permission.
9. I note that the Council raised no objections in terms of character and appearance, living conditions and highway safety. I appreciate too the appellant's reference to the need for housing in this area, as well as the advice in paragraph 47 of the Framework for local planning authorities to boost significantly the supply of housing. However, these positive factors do not outweigh the harm which would result from the loss of the commercial use of the site.

Carbon dioxide emissions

10. The Council's Core Strategy Policy CSP14 requires residential development of this scale, including conversions, to achieve a 10% saving in carbon dioxide emissions through on-site renewable energy. There are no details of how the proposal would meet the required carbon dioxide saving.

11. I note that the appellant has offered to be bound by a pre-commencement condition requiring the approval of such details in the event that the appeal was successful. I also appreciate that incorporating renewable energy provision into a scheme for the reuse of an existing building may have fewer design implications than a new-build scheme.
12. Nonetheless, it is unclear how the proposal would meet the standard, and whether the provision would have implications for the living conditions of surrounding occupiers or for the character or appearance of the area. Given this uncertainty, the matter could not be reasonably dealt with by a condition. I am therefore unable to conclude that the proposal would incorporate measures to reduce carbon dioxide emissions through on-site renewable energy provision. In this respect it would be in conflict with CS Policy CSP14.

Other Matters

13. Whilst I have considered concerns from neighbours including in relation to parking provision and the principle of development, given my findings on the main issues above, these have not led me to a different overall conclusion.

Conclusion

14. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR