

Appeal Decision

Site visit made on 9 May 2017

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

Decision date: 30 May 2017

Appeal Ref: APP/Y3615/W/17/3168813

Ipsley Lodge, Hogs Back, Seale, Surrey GU10 1LA

- 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 J Gill against the decision of Guildford Borough Council.
 - The application Ref 16/P/00491, dated 3 February 2016, was refused by notice dated 12 December 2016.
 - The development is described as retrospective planning application for the change of use of the existing commercial stable building to class B8 use for storage of up to six motor vehicles and other related motor paraphernalia.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my visit the building was already in use for storing cars, and there were six cars stored in the open area of the site. The alterations to the elevations described in the application had not been begun. For the avoidance of doubt, my decision is based on the drawings determined by the Council.

Main Issues

3. The main issues are:
 - the effect of the development on the living conditions of surrounding occupiers, with particular regard to noise; and,
 - the effect of the development on the character of the area.

Reasons

The living conditions of surrounding occupiers

4. The appeal site contains an area of hardstanding in front of a building formerly used as stables. Beyond it, to the west, is an open riding school, and to its east is an area of grass and a residential garden. An arable field to the north extends into the countryside wherein the appeal site is located.
 5. Between the flats and cottages to the south, is a tarmac-surfaced turning area between two small blocks of lock-up garages. It is linked to the street via a winding service road, which passes Ipsley View, Ipsley Lodge, Ipsley Cottage, and Talvern Cottage. It also leads, at its end, to a track alongside an open area of grass, which provides access to the appeal site.
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6. The appellant explains that no vehicles would be stored outside of the building. Instead, the building would be used to store up to six vehicles, delivered and collected by a 3.5 ton recovery truck. Rather than carrying out repairs in the building, he would, around three times a week, transport the vehicles off-site for repairs.
7. The openings in the residential buildings are generally well-shielded from any noise generated by vehicles using the turning area and service road, which appear to be limited to movements and parking in connection with the residential use. In this context, the occasional passing of a recovery truck along the service road and turning area is unlikely to disturb the surrounding occupiers in their dwellings any more than the other vehicles which already use these areas.
8. However, the back garden alongside the appeal site is separated from the track leading from the end of the service road to the appeal building by a boundary hedge which appeared neither dense nor broad. The passage of a recovery truck up and down the track, in such proximity to the back garden between Talvern Cottage and the appeal site would break the peace and quiet of the garden, and disturb any occupiers enjoying it.
9. Furthermore, the alignment of the front wall corner of the appeal building is part way along the back boundary fence of this garden area. The timber fence, which is around 1.8m high, has limited planting in front of it. Significantly, the area of the garden beside the easternmost opening of the building is, save for this fence, open to the appeal site. This gap would allow the passage of the noise from the deliveries or collections of vehicles into the back garden.
10. Even though the garden is unlikely to be used in poor weather, the garden concerned is well-maintained and includes a planted terrace area under a pergola. During my site visit, while I noticed the background noise of traffic on the A31 to the west, there was no significant noise in the surrounding environment which disturbed the tranquillity of the back garden. In this context, the effect of noise from the development would disturb the occupiers' peace and enjoyment of the garden.
11. The appellant makes the point that the building's previous use as a stables in effect stored horses as opposed to cars as in this case, and that the storage of cars results in fewer trips than when the building was used as a stables. However, there is no substantive evidence that shows what if anything was driven to the stables, whether it followed the access route in this case, and how often the stables were accessed. I also note that the building did not benefit from planning permission or a certificate of lawful development for that previous use. On this basis, I am unable to conclude that the impact of this development is less harmful to the living conditions of surrounding occupiers than the previous use.
12. I note the appellant's reference to a previous, similar application in which the Health and Community Care Services section commented that there had been no noise complaints and the only likely impact was when vehicles were being collected or delivered, which should therefore be restricted. However, I also note that the application was refused for similar reasons as the one the subject of this appeal. Moreover, the lack of complaint does not mean that there is no disturbance from the development.

13. I acknowledge that the appellant has offered to be bound by a condition limiting the frequency of deliveries or collections, and the days and hours when they could be made. This may reduce the number of disturbances, but it would not sufficiently mitigate their effect on the living conditions of the surrounding occupiers using the garden, which would have a significant adverse impact on the quality of their lives.
14. The development is therefore in conflict with Policy G1(3) of the Guildford Borough Local Plan adopted January 2003 (LP) which says that proposals will be permitted if the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms including privacy and noise. It is at odds with one of the core planning principles of the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for all existing occupants of land and buildings. It also runs against the Framework's advice in paragraph 123, which says decisions should aim to avoid noise from giving rise to significant impacts on health and quality of life as a result of new development.

The character of the area

15. As the development excludes the storage of vehicles in the open area on the site, the impact on the character of the area is limited. The proposals include the cladding of the building in cedar boarding which would not look out of place in the rural surroundings. The character of the use, limited to storing vehicles within the building, has little outward impact on the character of the building whose last use was as stables. As such, there is no harm to the character of the area, and no conflict with saved LP Policies G5 and RE9 which concern the re-use of rural buildings, which protect the visual amenity of the countryside, and which set out a code of standards for design.

Other Matters

16. I note the concern of the surrounding occupiers regarding the safety of children with commercial trucks using the service road where children sometimes play. However, the route of the vehicles servicing the development uses the same route as other vehicles. There is no evidence that the risk presented by vehicles in this proposal is significantly greater than the present risk from moving vehicles, and not sufficient grounds to dismiss the appeal.

Conclusion

17. I have found no harm to the character of the area. In addition, the development accords with paragraph 28 of the Framework which seeks to promote a strong rural economy, and supports the conversion of existing buildings and the expansion of enterprise in rural areas. However, this is outweighed by the harm the development causes to the living conditions of surrounding occupiers. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR