The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 29 June 2017

Appeal Ref: APP/C3620/W/17/3166720
Partridge Cottage, Partridge Lane, Newdigate, RH5 5EA

- 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 Paul Keane against the decision of Mole Valley District Council.
- The application Ref MO/2016/1487/PLA, dated 19 September 2016, was refused by notice dated 17 November 2016.
- The development proposed is conversion of detached brick built outbuilding into a dwelling.

Decision

1. The appeal is allowed and planning permission is granted for conversion of detached brick built outbuilding into a dwelling at Partridge Cottage, Partridge Lane, Newdigate, RH5 5EA in accordance with the terms of the application Ref MO/2016/1487/PLA dated 19 September 2016, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

    3) Prior to commencement of the development hereby approved, details of a refuse and recycling storage facility shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

    4) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions within Schedule 2, Part 1, Classes A, B, or C to any dwelling hereby permitted shall be erected.

    5) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure, swimming or other pool, within Schedule 2, Part 1 Class E, shall be carried out on the land the subject of this planning permission.

6) Before the first occupation of the dwelling hereby permitted, all on-site uses and operations associated with commercial dog kennelling and training shall cease permanently.

7) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:25000 Location Plan and red line site diagram; Existing and proposed plans and elevations dated 30/06/16.

Application for costs

2. An application for costs was made by Paul Keane against Mole Valley District Council. This application is the subject of a separate Decision.

Reasons

3. The single reason for refusal is the effect on the living conditions of future occupiers of activity associated with the kennel business, by reason of noise and general disturbance. The proposed dwelling would be within 4 metres of the existing small scale kennel use permitted on appeal in 2014. However it is the appellant's intention to discontinue the kennel activity, as confirmed in the Design and Access Statement, before occupation. The need to access the proposed dwelling through the dog exercise area suggests that this would be the case. Moreover, the Council agrees that it would be possible to impose a planning condition which would prevent occupation until the kennel activity had ceased.

4. There are no other matters in dispute. With a suitable condition, the proposed conversion would comply with the residential amenity aims of policy ENV22 of the Mole Valley Local Plan of 2000. Whilst this is of some age, the relevant objectives of the policy conform to a core planning principle of the National Planning Policy Framework of 2012, which is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5. Other conditions are necessary to ensure that waste and refuse is properly stored and is accessible; to control the external finishes, in the interests of the character and appearance of the area; and to restrict permitted development in the form of extensions or ancillary buildings, to preserve the subservient appearance of the dwelling and to prevent sprawl. The development should be constructed in accordance with the approved drawings, for the avoidance of doubt and in the interests of good planning.

6. For these reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR