
Appeal Decision

Site visit made on 11 July 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 18 July 2017

Appeal Ref: APP/M3645/W/17/3171416

Stable Building, Oxted Mill, Spring Lane, Oxted, Surrey RH8 9BP

- 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 Andrew Stacey against the decision of Tandridge District Council.
 - The application Ref TA/2016/1665, dated 5 September 2016, was refused by notice dated 10 February 2017.
 - The development proposed is demolition of stable building and erection of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the proposed development on the application form makes reference to the erection of a double garage and stable in addition to a dwelling. However, during the course of the planning application, amended plans were submitted to omit these elements. The description of the proposed development in the banner heading above reflects this and I have considered the appeal on this basis.

Main issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the proposal would preserve or enhance the character or appearance of the Broadham Green and Spring Lane Conservation Area (BGSLCA); and
 - If the proposal is inappropriate development, whether or not there are other considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the proposal.

Reasons

Inappropriate development

4. The appeal site lies within the Green Belt as defined within the Tandridge Local Plan Part 2: Detailed Policies 2014 (Local Plan). It contains a somewhat

neglected, rectangular shaped, single storey stable building and an area of open paddock. Though some residential development lies to the north, east and west, the appeal site displays a strong rural quality. This is apparent in views from a public footpath which runs along the eastern edge of the appeal site, towards and into the wider countryside to the south. The proposal seeks to demolish the stable building and to erect a new, L-shaped, part single storey, part two storey dwelling onto the appeal site. Part of the two storey element would be set below ground level.

5. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The fourth bullet point of Paragraph 89 of the Framework sets out that replacement buildings in the Green Belt are not inappropriate, provided the new building is in the same use and is not materially larger than the one it replaces. In addition, the fifth bullet point of Paragraph 89 of the Framework sets out that limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continued use, is not inappropriate, provided it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.
6. The proposal would result in a material change of use, so would not comply with the fourth bullet point of Paragraph 89 of the Framework. There is no dispute between the main parties that the appeal site represents previously developed land and that the proposal would constitute the partial redevelopment of it, for the purposes of the fifth bullet point of Paragraph 89 of the Framework. I have no substantive reasons before me to take a different view on this matter.
7. I acknowledge that the proposed dwelling would be approximately 2 metres shorter in length than, and would have a similar ridge height as, the existing stable building. Nevertheless, the overall footprint of the proposed dwelling would, according to the evidence, be approximately 25 percent (%) larger than the footprint of the existing stable building. In addition, the evidence indicates that the increase in volume above ground level would be approximately 22.6%. Consequently, whether or not the additional increase in volume which would arise from the semi-basement element was to be taken into account, the proposal would inevitably result in a reduction in the openness of the Green Belt. Furthermore, the protruding two storey element and its associated dormer windows would be apparent in views from along the public footpath, including when looking back towards the appeal site from the wider countryside to the south. As such, there would be a visible as well as a physical increase in the scale of built form on the appeal site and therefore a visible as well as a physical reduction in the openness of the Green Belt.
8. Moreover, the introduction of a dwelling onto the appeal site would change its character from rural to residential and the likely need for domestic paraphernalia would add to its evident domestication. Thus, the proposal would fail to assist in safeguarding the countryside from encroachment. This would conflict with the purposes of including land within the Green Belt.
9. Consequently, the proposal would not comply with the listed exceptions as set out in Paragraph 89 of the Framework, including in respect of replacement buildings and the redevelopment of previously developed sites. The proposal

would therefore be inappropriate development in the Green Belt, which Paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

10. The proposal would also be contrary to Policies DP10 and DP13 of the Local Plan, which reflect the requirements of the Framework.

Openness

11. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. As set out above, the proposal would inevitably have an effect on the openness of the Green Belt given that it would result in an increase in the overall footprint and volume of existing development on the appeal site. Given that the proposal would feature in views from along the public footpath, it would materially impact both visually and physically on the openness of the Green Belt. This would be contrary to the aims of Paragraph 79 of the Framework.

BGSLCA

12. The appeal site lies within the BGSLCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." In addition, Paragraph 132 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
13. Buildings in the vicinity of the appeal site display a variety of architectural styles and, taken in isolation, the design of the proposed dwelling would not appear at odds in this context. However, the strong rural qualities of the appeal site contribute positively to the countryside character and appearance of the BGSLCA. As mentioned above, the introduction of a dwelling onto the appeal site would change its character from rural to residential and the likely need for domestic paraphernalia would add to its evident domestication. In addition, whilst somewhat neglected, I note that Surrey County Council's Heritage Conservation Team highlight that historic maps indicate the building to date from the mid to late 19th century and it is therefore likely to be of some historic value. The appellant has not provided any substantive evidence to the contrary.
14. Having regard to these factors, it is my view that the proposal would fail to preserve or enhance the character or appearance of the BGSLCA and would result in some harm to its significance. This would be contrary to Section 72(1) of the Act. It would also be contrary to Policy DP20 of the Local Plan, which requires development to protect, preserve and where possible to enhance the character, appearance and historic interest of the District's heritage assets.
15. Nonetheless, in the context of the BGSLCA as a whole, I consider the harm arising to the significance of the BGSLCA designated heritage asset would be less than substantial. As required by paragraph 134 of the Framework, I must therefore consider whether there are any public benefits which would outweigh

the less than substantial harm identified above. Policy DP20 of the Local Plan also adopts this approach. I undertake this balancing exercise later in my Decision.

Other considerations

16. The proposal would make a contribution, albeit a limited one, to high quality housing supply in the District. It would create some short term construction jobs and would support the local construction supply industry. Some increased local spending would be generated by any future occupiers. In addition, the Council would receive a New Homes Bonus payment. I also recognise that the intention is for the proposal to be self-build. Nevertheless, in the wider scheme of things, such benefits would be modest in scale. As such, I afford them limited weight.
17. The appellant makes reference to converted barns and other barns being built on their footprint across the country. However, this appeal is not for a barn conversion and no substantive details in respect of other barns being built have been provided to allow any informed comparisons. In addition, the proposal I am to consider would have a greater footprint than the existing building in any case. Moreover, each case should be considered on its own merits. I therefore afford limited weight to the appellant's references to barn conversions and other barn developments.
18. I have had regard to the appellant's desire to get onto the property market. Nonetheless, such a personal benefit to the appellant is a matter to which I afford limited weight.
19. I acknowledge that the appellant has raised some concerns over the Council's procedures in dealing with his application. Nevertheless, this is not a matter for my consideration in an appeal under section 78 of the Town and Country Planning Act 1990.

Planning balance and conclusion

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. In addition, it would cause material harm to the openness of the Green Belt and would fail to preserve or enhance the character or appearance of the BGSLCA.
21. As explained above, I only afford limited weight to each of the other considerations cited in support of the proposal and conclude that, taken together, they would not outweigh the harm that would arise to the Green Belt. Nor would they in my view demonstrate sufficient public benefits to outweigh the harm to the BGSLCA. Consequently, no very special circumstances exist that would justify inappropriate development being allowed.
22. Therefore, for the reasons set out above and having regard to all other matters, including, boundary walls, outlook, light, highway safety, smoke, ecology, covenants and flood risk, I conclude that the appeal should be dismissed.

Alex Hutson INSPECTOR