



Appeal Decision

Site visit made on 25 July 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 17th August 2017

Appeal Ref: APP/M3645/W/17/3173936

Detached garage/stable/coach house, Marle House, Eastbourne Road, South Godstone, Surrey RH9 8JQ

- 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 Evenmerge Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2016/2142, dated 4 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is described as '*extension and conversion of existing stable/coach house/garage block into 2B residential unit together with parking*'.
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Decision

1. The appeal is allowed and planning permission is granted for extension and conversion of existing stable/coach house/garage block into 2B residential unit together with parking at Detached garage/stable/coach house, Marle House, Eastbourne Road, South Godstone, Surrey RH9 8JQ in accordance with the terms of the application, Ref TA/2016/2142, dated 4 November 2016, subject to the conditions set out in Appendix A.

Main Issues

2. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* and the adopted Development Plan, and;
 - The effect of the proposed development on the character and appearance of the street scene, and;
 - Whether the proposal would preserve and/or protect protected species, and;
 - The impact of the proposal on highway safety with regard to entering and leaving the site, and;
 - Whether the development is within a sustainable location.

Reasons

Whether inappropriate development

3. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts, and is an important material consideration. The

Government attaches great importance to Green Belts. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In local policy terms, the Green Belt policies of the Framework are broadly reflected in Policies DP10 and DP13 of the *Tandridge Local Plan: Part 2 – Detailed Policies 2014* (TLP).

4. Paragraphs 89 and 90 of the Framework indicate limited exceptions to inappropriate development. In terms of Paragraph 89 of the Framework, the appellant has directed me to the last bullet point relating to the site consisting of infilling, or the partial or complete redevelopment of a previously developed site, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
5. The appellant has also indicated that they consider the site to be within an established ribbon of residential development. I saw during my site inspection that the facts on the ground support this assertion; with the appeal site contained within a ribbon of built form along Eastbourne Road.
6. The definition contained within Annex 2: Glossary of the Framework states that previously developed land 'excludes: ...*land in built up areas such as private residential gardens*'. The use of 'such as' indicates that the definition is an open list. As the appeal site lies within a built-up area formed by the ribbon development, it cannot be said to be previously developed land as defined by the Framework. Thus it cannot be included as an exception within the last bullet point of Paragraph 89 of the Framework or under Part G of Policy DP13 of the TLP.
7. The third bullet point of Paragraph 89 provides for the extension or alteration of a building provided it does not result in disproportionate additions over and above the original building. Neither the Framework nor the adopted development plan sets out what 'disproportionate' means as a specific figure or measurement.
8. However at Paragraph 13.4 of the TLP (preceding Policy DP13), the development plans indicates that '*as a general rule the Council will use a calculation of external volume as the measure of whether a proposal is mathematically disproportionate rather than using an increase in floor area of footprint*'.
9. The proposal seeks the conversion and extension of a former coach house/garage into a dwelling. This would involve the demolition of an existing carport structure and an increase in the height of both single and two storey parts of the building. The alterations sought would amount to a reduction in volume from 378m³ to 275m³, or about 27% as set out in the appellant's evidence. The Council's measurements are slightly different with an overall existing volume of about 320 cubic metres and proposed approximately 281 cubic metres; averaging around a 12% reduction in volume. I do not have the full details of how either party has worked out their figures, but the point is that in both circumstances there would be reduction in volume of the building.
10. In applying the Council's general rule of thumb in this instance, the proposal would not result in a mathematically disproportionate addition to the building. Accordingly, the proposal would be not inappropriate development as it falls into the exception set out at bullet point 3, Paragraph 89 of the Framework, as

reflected in Policy DP13 of the TLP and adopting the approach set out in the Council's adopted development plan.

11. The officer's report then indicates that a visual assessment of the proposal is required to fully ascertain the impact the development would have upon openness. However, this approach is unnecessary in this case as neither bullet point 3 - Paragraph 89, bullet point 4 - Paragraph 90 of the Framework, nor Policy DP13 - part E of the TLP, require a further assessment against openness as sought in the last bullet point of Paragraph 89, for example.
12. In terms of Paragraph 90, I have also been referred to the term 'the re-use of buildings' contained in the fourth bullet point. In this respect, the proposal would result in the re-use of a domestic building and they appear to be of permanent and substantial construction. It would therefore benefit from this exception to inappropriate development within the Green Belt.
13. In light of the fact it falls into the exceptions listed in Paragraph 89 and 90 of the Framework, which are very similar to those within Policy DP13 of the TLP, the development proposed in this case would not be inappropriate development, as defined by both.
14. As such, the proposed development would not be contrary to Policies DP10 and DP13 of the TLP and those of the Framework, which, amongst other aims cited previously, seek to maintain the national and local planning purposes of the Green Belt. Such findings do not negate the need to assess the proposal against the other main issues identified, which I will now consider.

Character and appearance

15. The Council is concerned that the proposed roof form would have higher eaves than the adjoining building (The Grange)¹ and that the window alignment would not match. The appeal building is separated from the adjoining building by a high boundary wall which I understand would be retained. Nevertheless, the appeal building is seen within the context of its attachment to The Grange. The Grange is an eclectic mix of styles and the design proposed would not be dissimilar in style and form from it. Whilst the eaves would be slightly higher than those at the adjoining property, to most observers such differences would not be perceptible given the small variances.
16. Similarly, whilst the window alignment would be slightly different from that on the adjoining property, it is important to recognise that The Grange itself is characterised by variety of window forms and locations. The proposal in this case would continue this variety. Overall, the design retains the prevailing pattern of development within the locality. It would therefore reinforce the local distinctiveness of both the appeal building and The Grange as a whole.
17. As such, I find that the proposed development would not have an adverse effect on the character and appearance of the area. It would therefore accord with Policy DP7 of the TLP, which amongst other aims seeks to respects and contributes to the distinctive character, appearance and amenity of the area in which it is located. It would also accord with the aims of the Framework which seeks high quality design.

¹ This building is labelled as The Grange on the Location Plan, but is subdivided into flats. In referring to 'The Grange' this is not only the directly adjoining unit, but also the building as a whole.

Protected species

18. Policy CSP17 of the *Tandridge District Core Strategy DPD 2008* (TCS) seeks to ensure that proposals protect biodiversity. Policy DP19 of the TLP seeks that development will only be permitted where it can be demonstrated that the species involved will not be harmed.
19. In this case, beyond the building appearing 'old' there is minimal evidence that the appeal site contains any protected species, such as bats, as asserted by the Council. Indeed, I have not been provided with any evidence of nearby bat surveys or that the local environment provides habitats for any protected species. What is more, there are no comments from any local wildlife groups nor any indication from the Council's own ecologists (or persons acting on their behalf in that capacity) that the site may contain protected species or that protected species have been recorded in the local area.
20. Whilst one should generally apply a precautionary principle in relation to protected species, the evidence before me does not suggest that the site is likely to contain protected species. The provision of an ecological survey before the grant of planning permission in this instance is unwarranted. I therefore conclude that the proposal would not conflict with Policy CSP17 of the TCS and Policy DP19 of the TLP, which seek the aforesaid aims.

Highway safety

21. In terms of access into the site, this would be located in a similar position to the existing access off Eastbourne Road which is utilised by the existing building and also the occupiers of Marle House. The local highways authority has indicated that the width of the access does not allow for simultaneous entrance and exit of the site.
22. The appeal scheme seeks the conversion of an existing building into one residential dwelling with two parking spaces provided. This is unlikely to result in any more than a minimal increase in traffic movements into and out of the site. Nevertheless, there is an opportunity to make the access wider and this could be secured through the use of a planning condition. Such an outcome, together with the provision of vision splays, would provide better views into and out of the access point onto the relatively fast moving Eastbourne Road (A22) and this would provide a limited public benefit.
23. I therefore find that the proposed development would not result in a materially harmful impact on highway safety. It would therefore accord with Policies DP5 of the TLP and Policy CSP12 of the CS, which amongst other aims seek to ensure that proposals comply with highway design guidance and does not unnecessarily impede the free flow of traffic on the existing network.

Whether a sustainable location

24. The Framework encourages local authorities to support a pattern of development which facilitates the use of sustainable modes of transport. This is correspondingly reflected in Policy CSP1 of the TCS. I have been directed to a number of other appeal decisions² by the Council, who indicate that such decisions consider sustainable development in rural areas.

² Ref 3139325, 2179555, 2202251, 2228405 and 3004405

25. There are differences in these schemes compared to the one before me. For example, in appeal ref 3132724, the local highway authority objected to the proposal because it was not easily accessible by modes of transport other than the private car. That is not the position in this case where the local highways authority has only raised concerns in respect of the access which I considered earlier. In any case, it is well established planning practice that each proposal must be considered on its own merits.
26. The Council considers that the location of the appeal building is such that future occupiers would be reliant upon private motor vehicles to access day to day services. I saw that the appeal site is located to the north of Blindley Heath (about 700 metres according to the Council) which is accessed directly down the A22. Services and facilities include a petrol station and public house. To the north is South Godstone, which is served by services such as a railway station, petrol station, and school. These can be accessed by bus, taxi, bicycle or on foot; although I acknowledge the Council's point that it is likely that the car would become the primary means of transport.
27. However, the Framework acknowledges that planning should take account of the different roles and character of different areas. I saw that near to the appeal site there are a number of residential properties, such as those along Carlton Road and also those along the ribbon development along Eastbourne Road. It is not illogical to consider that the occupiers of these dwellings would both utilise existing modes of transport such as buses and so on; and also use cars.
28. The point is that within this rural area cars are one of the characteristics modes of transport. What is more, the introduction of two cars as a result of the appeal scheme is unlikely to materially alter this character or result in a materially harmful intensification of car use. The provision of one dwelling, whilst very limited in scale, would also assist in the retention of existing services by ensuring continuing demand.
29. I note the Council's 'in principle' conflict with Policy CSP1 of the CS as detailed in their officer report. However, on plain reading of that policy it does not appear to restrict or prohibit development outside of the existing built up areas of the District: rather it seeks to promote development to such areas. Whilst I acknowledge that the proposal in this case would not occur within an existing settlement, I do not find that the potential future reliance of occupiers on the private motor vehicle would result in the location being unsustainable in this case.
30. I therefore conclude that the proposed development would not conflict with the aims of Policy CSP1 of the CS and Policy DP1 of the TLP, which, amongst other aims, seek to take a positive approach that reflects the presumption in favour of sustainable development. It would also accord with the Policies of the Framework, including to promote sustainable development in rural areas by locating housing where it will maintain or enhance the vitality of rural communities.

Other Matters

31. I note the comments made by interested parties at the application stage and now consider these before coming to an overall conclusion. In terms of on-site vehicle movements, it is unclear as to how these would be any greater than

that already on site given the existing building consists of a carport and stable/garage structures, and areas of hardstanding. I do not find that the proposal would result in material harm in this respect.

32. With regard to noise and disturbance to the attached building, it is unclear as to how this would be any greater than if the garage building, which already exists with no obvious planning controls over noise, were used intensively. I also note the concerns in respect of the lowering of property values and party wall matters. However, these are private matters between the parties and beyond the remit of this appeal to consider further.
33. I therefore conclude that these other matters, whether considered in isolation or cumulatively, do not justify the dismissal of the appeal scheme.

Conditions

34. The Council have suggested a number of conditions and I have considered these within the context of Paragraph 206 of the Framework and Planning Practice Guidance (the Guidance) in respect of the use of planning conditions.
35. A condition requiring the proposal to be carried out in accordance with the submitted drawings is necessary to provide certainty. The submission of details or samples of materials to be used and a landscaping scheme are necessary to protect the character and appearance of the area. A condition requiring the provision of the access is reasonable in the interests of highway safety. Details of how the development would satisfy the 10% reduction of carbon emissions through solar voltaic panels are necessary in order to ensure that the proposal would meet development plan and national policy aims of reducing carbon emissions.
36. The Guidance advises that the removal of permitted development rights should only be undertaken in exceptional circumstances. The appellant objects to such conditions suggested by the Council here. However, the appeal site is within the Green Belt and such areas are subject to strict controls on development in order to achieve the fundamental aim of Green Belt Policy which is to prevent urban sprawl by keeping land permanently open, as indicated in Paragraph 79 of the Framework. This provides an 'exceptional' case where removing permitted development rights should be exercised.
37. Lastly, the Council has suggested a condition requiring an ecological survey. This is not a reason for the dismissal of the appeal given the lack of any substantive evidence from the Council. Nevertheless, protected species are protected for a reason.
38. It would not be onerous to require a survey to be undertaken by a suitably qualified ecologist in order to discount the Council's suspicions. What is more, the imposition of such a condition is reasonable in consideration of national and local policy which seeks to protect and enhance biodiversity wherever possible.

Overall Conclusion

39. I have found that the proposal in this case would not constitute inappropriate development in the Green Belt as defined by the adopted development plan and the Framework, as it would represent at least one of the exceptions.

40. What is more, I have found that the proposal would not result in material harm in respect of its design, protected species, highway safety or its location. Accordingly, I find that the proposal would accord with the adopted development plan and there are no material considerations which indicate a decision otherwise.

41. For the reasons given above, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

Appendix A – List of conditions imposed

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A1, A2, A3 Rev A and A4.
- 3) No development shall take place until samples or details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - proposed finished levels or contours;
 - means of enclosure;
 - car parking layout;
 - hard surfacing materials.

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

- 5) The development hereby approved shall not be first occupied unless and until the proposed modified vehicular / pedestrian access to Eastbourne Road has been constructed, to a minimum width of 5.0m, and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the local planning authority. Thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
- 6) No development shall take place until further details of the solar photovoltaic panels demonstrating how the development would satisfy the (at least) 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the local planning authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages, sheds, greenhouses, fences, gates or walls, or other outbuildings or structures, shall be erected other than those expressly authorised by this permission or within the details submitted in accordance with Condition 4.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no form of enlargement such as extensions, alterations, or roof extensions shall be carried out other than those expressly authorised by this permission.
- 9) No development shall take place (including but not limited to demolition) until an ecological survey undertaken by a suitably qualified ecologist to assess whether any protected species are present on site has been submitted to and approved in writing by the local planning authority. Should the survey identify the presence of any protected species on or within the appeal site, including any buildings or structures, no work shall take place (including but not limited to demolition works) until the local planning authority has approved in writing a mitigation strategy submitted by the appellant. Thereafter any works shall take place in accordance with the agreed mitigation strategy.

END OF CONDITIONS