



---

## Appeal Decision

Site visit made on 8 July 2019 by Thomas Courtney BA(Hons) MA

**Decision by Andrew Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 July 2019**

---

**Appeal Ref: APP/M3645/D/19/3226550**

**The Boundaries, Dowlands Lane, Smallfield RH6 9SD**

- 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 & Mrs G Sharp against the decision of Tandridge District Council.
  - The application Ref TA/2018/1832, dated 5 September 2018, was refused by notice dated 17 January 2019.
  - The development proposed is conversion of existing outbuildings to form annex accommodation ancillary to main dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing outbuildings to form annex accommodation ancillary to main dwelling at The Boundaries, Dowlands Lane, Smallfield RH6 9SD in accordance with the terms of application Ref TA/2018/1832, dated 5 September 2018 and subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, 200718-01A and 270917-02.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'The Boundaries'.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
-

- whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
- whether the occupiers of the development would have acceptable accessibility to public transport and key services;
- the effect of the development on the character and appearance of the area.

## **Reasons for the Recommendation**

### *Whether the development would be inappropriate development*

4. The appeal site, which lies in the Green Belt, accommodates a number of single storey outbuildings situated to the south-east of the two-storey host dwelling. The existing outbuilding which is proposed to be converted to ancillary accommodation comprises a single garage and store/workshop which has a pitched roof, as well as a double garage and kitchenette which have flat roofs.
5. The proposal would result in the creation of living accommodation as well as the erection of a porch to the north elevation and an extension of the pitched roof to the existing double garage. Adjacent to this outbuilding are three loose stable boxes which are proposed to be converted to storage.
6. Policy DP13(H) of the Tandridge Local Plan Part 2 (the 'local plan') is broadly consistent with Paragraph 146(d) of the NPPF as both allow for the re-use of buildings in the Green Belt provided the buildings are of permanent and substantial construction, preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. It has not been suggested that the buildings are not permanent or are not of substantial construction. Furthermore I find that the small scale of the proposed alterations would not materially impact on openness from a spatial aspect and, although the proposed roof extension to the double garage would be discernible from Smallfield Road to the north, it would not visually harm openness. Indeed the main parties agree these alterations would not be disproportionate. Also the use of the outbuildings for living accommodation would preserve the openness of the Green Belt, with any future domestic paraphernalia likely to be inconsequential in terms of its impact on the Green Belt. Lastly, it has not been argued that the proposal would conflict with the purposes of the Green Belt.
8. However the Council's case is that the use of the building would not be ancillary to the main house due to the fact that it would contain primary living accommodation and that, because of the distance between the outbuilding and the main house, the development could readily be separated from its host and so should be seen as a new dwelling in the Green Belt. Though I agree that the building would be considerably detached from the main house in spatial terms, I find that the building clearly relates to the main house as they share the same access, would both address the same rear garden and there is no form of enclosure separating them. Notwithstanding this, its occupation could be controlled by a planning condition, to ensure that it remains ancillary to the main house.

9. On the basis that the proposal would not be a new dwelling in the Green Belt, I therefore find the proposal is not inappropriate development in the Green Belt and would not conflict with the NPPF and policy DP13, as detailed above, and policy DP10 of the local plan which resists inappropriate development in the Green Belt.

#### *Accessibility*

10. As the use of the proposed annexe can be controlled by a planning condition to ensure it is not occupied independently of the main house, the proposal would not constitute a new home. Therefore although the occupiers of the development would have poor access to services and facilities, the ancillary nature of the proposal means journeys or errands can be shared with the residents of the main house and it would be unlikely to generate a significant number of car journeys of its own.
11. I consider therefore that the proposed conversion does not conflict with policy CSP1 of the Core Strategy which seeks to ensure new dwellings are located in sustainable locations or policy DP1 of the local plan which supports sustainable development.

#### *Character and appearance*

12. As a planning condition ensuring the proposed accommodation remains ancillary to the main house can be imposed, the conversion of the existing outbuilding would not lead to the formation of a separate self-contained dwelling or the subdivision of the existing curtilage. The proposal would not result in the piecemeal or tandem development of residential garden land.
13. The proposed conversion would therefore not harm the character and appearance of the area and would not conflict with policy DP8 of the local plan and policy CP18 of the Core Strategy which together seek to ensure new developments are well designed and contribute positively to the character and appearance of the surrounding area in which they lie.

#### **Other Matters**

14. I note that Burstow Parish Council objected to the development as it was considered the conversion of the outbuilding to a residential use would cause permanent harm to the openness of the Green Belt. However, as the proposed accommodation would remain ancillary to the main house and, as I have found that the change in appearance of the outbuilding is modest, it would not constitute inappropriate development in the Green Belt.

#### **Conditions**

15. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered the suggested conditions against the advice on conditions set out in the NPPF and the Planning Practice Guidance.
16. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also included a condition requiring the materials of the external alterations match the existing building, to protect the character and appearance of the area.

17. Furthermore, to ensure that the accommodation remains at all times incidental to the main use of the property as a single-family dwelling, I have imposed a condition specifying the development shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling.

**Recommendation**

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*Thomas Courtney*

APPEAL PLANNING OFFICER

**Inspector's Decision**

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Andrew Owen*

INSPECTOR