
Appeal Decision

Site visit made on 28 May 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/M3645/W/19/3224519

Pendell Farm House Cottage, Pendell Road, Bletchingley RH1 4QH

- 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 Terry Platt against the decision of Tandridge District Council.
 - The application Ref TA/2018/2400, dated 6 December 2018, was refused by notice dated 30 January 2019.
 - The development proposed is the conversion of existing building to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing building to dwelling at Pendell Farm House Cottage, Pendell Road, Bletchingley RH1 4QH in accordance with the terms of the application, Ref TA/2018/2400, dated 6 December 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. I have omitted that part of the description of development that relate to an earlier permission from my banner heading and decision, above, as this does not describe development.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies;
 - (ii) The effect of the proposed development on the character and appearance of the area;
 - (iii) The effect of the proposed development on the living conditions of future residents having particular regard to outlook and refuse collection;
 - (iv) Whether the proposed development would achieve acceptable CO2 emission savings having regard to local and national planning policy; and
 - (v) Whether the appeal site is a suitable location for a dwelling in terms of its accessibility, having regard to the Framework and development plan policies.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal site comprises a rectangular parcel of land. At its northern end is a single storey building, of commercial design, which is of blockwork construction and clad in profiled metal sheeting. This has two elements, an earlier larger squarish element with later addition at its front. The building has something of an 'L'-shaped plan form. However, the space between the two elements has been infilled by a covered area, where a corrugated plastic roof is supported by substantial timber uprights set into the ground. On the land to the front of the building is a large timber shed. The remainder of this land is covered in compacted gravel and was being used for external storage, including several vehicles.
5. It is proposed to convert the main building to a dwelling and use the open space to its south as its garden and parking area. The submitted Block Plan shows that the covered area and timber storage shed would be removed.
6. Amongst the list of development that is defined in paragraph 145 g) of the Framework as being not inappropriate in the Green Belt ('GB') is "the partial or complete redevelopment of previously developed land...which would: not have a greater impact on the openness of the GB than the existing development". Furthermore, paragraph 146 d) of the Framework states that the "re-use of buildings provided that the buildings are of permanent and substantial construction" is not development that is inappropriate in the GB.
7. Policies DP 10 and DP13, part H, in the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, adopted July 2014, ('LP') reflect the Framework. The former sets out that inappropriate development would normally be refused as being, by definition, harmful to the GB. Amongst its terms, the latter supports the re-use of buildings within the GB (outside the Defined Villages) for residential purposes, where: (1) the openness of the GB is preserved and does not conflict with the purposes of including land within it; (2) the buildings are of permanent and substantial construction, are structurally sound and capable of re-use without major alterations, adaptations or reconstruction; and (3) the proposed use can be wholly or substantially contained within the building identified for re-use.
8. Policy DP13 also sets out that applications should normally be accompanied by a structural survey and a Conversion Method Statement ('CMS'). The former should demonstrate that a building is capable of re-use without significant major alterations, adaptations or reconstruction and a CMS should set out the specific programme of works to be undertaken in order to convert a building.
9. A structural survey of the building¹ was submitted with the application which found that the key structural elements of the building could be re-used and there would be no necessity for any substantive reconstruction. Whilst a CMS was not submitted, I am satisfied on the evidence before me that it has been demonstrated that there would be no need for major works to facilitate the conversion. Furthermore, the plans show that no extensions or exterior alterations are proposed that might affect the openness of the GB.

¹ "Survey Report on the Structural Stability of Workshop and Storage Units at Pendell Farmhouse Cottage"
VKHP Consulting Ltd, 28 October 2018.

10. I therefore find that the submission of a CMS is not necessary. However, to ensure the protection of openness, a condition requiring the submission of a CMS could be attached to any subsequent permission.
11. Neither the Framework or LP Policy DP13 makes reference specific reference to garden areas and parking associated with proposals for the re-use of existing buildings as dwellings. Both support the development, with certain caveats, and it is axiomatic that they therefore acknowledge gardens and parking would be included in such proposals. Whilst these could have an adverse effect on openness, I find in this case that the manner in which the land to the front of the building would be used would not be materially different to the existing situation, which is currently used for storage as set out above and, as such, it would preserve the openness of the GB and would not conflict with the purposes of including land within it, as per the requirements of H(1) of the policy.
12. On this issue, I find that the proposal would represent development that is not inappropriate in the GB, and that its openness would be preserved in accordance with the terms of LP Policies DP10 and DP13 and policies in the Framework.

Character and Appearance

13. A gate at the southern end of that part of the site on which the buildings lie provides vehicular and pedestrian access from a narrow lane that runs from the public highway, which lies some 200 or so metres to the south. The appeal site lies at the end of a continuous line of buildings along the east side of the lane. These buildings are of a variety of sizes, designs, finishes and uses. Evidence submitted by the Council shows that those towards the southern end of the lane lie within the Pendell Conservation Area. Overall, the area has a rural character.
14. As the site is largely surrounded by high and thick vegetation, there are few views into it from public vantage points. Essentially, these are limited to the access gate and the bridleway at the site's northwest corner. From these, only parts of the building can be seen although the gate would provide a view into much of the proposed garden and parking area. The hedgerow along the lane, in particular, plays an important screening role. It appears from the drawings that a new pedestrian access would be formed onto the lane. However, this would be small and whilst it would provide a further view of the building, this would not be harmful to the area.
15. The replacement of the profiled metal cladding on the building with vertical timber boarding, together with the fenestration that is proposed, would soften its appearance making it look more residential than industrial. This would amount to a marked improvement in its appearance, notwithstanding the proposed corrugated roof sheeting.
16. Given that the land benefits from a certificate of lawfulness for its use as a residential garden, the land in front of the building could be presently used for a number of purposes to those that might occur under the terms of this proposal. In any event, the provision of a garden and parking area would be expected with the conversion of a rural building. Furthermore, the removal of a large area of compacted gravel and its replacement with a new area of lawn would be a visual improvement in this respect.

17. My finding on this issue is that the scheme would cause no harm to the rural character of the area. Indeed, there would be notable improvements in this regard. I note from the Design and Access Statement that "no trees are required to be felled as part of the proposal". However, it is important that vegetation along the lane boundary in particular is given adequate protection and, therefore, I propose the use of a landscaping condition. With the use of this and other conditions related to this issue, the scheme would accord with the terms of Policies CSP 18 and CSP 21 of the Tandridge Core Strategy, adopted October 2008, which seek a high standard of design and the protection of the character and distinctiveness of the countryside, respectively. It would also accord with the terms of LP Policy DP7 that, amongst its terms, reflects the former of those policies and seeks to avoid overdevelopment or unacceptable intensification.

Living Conditions

18. The bedrooms proposed would each be served by a window and a large rooflight. It is not at all unusual for bedrooms to be successfully served by just the latter, which here would provide a light and airy environment. However, although fairly close to the boundary, beyond which is a belt of trees, the windows would also provide some outlook.
19. The windows that are proposed on the side elevations would provide limited outlook and daylight. However, the study, living room-dining room and kitchen that they serve would all have dual orientation with windows facing south onto the garden area. All of these rooms, which are of a good-size, would therefore provide their residents with a good outlook. Overall, internally, the proposed dwelling would provide appropriate living conditions for its future residents.
20. I find the same with regards to the size of the proposed garden area. I do not see that its position adjacent to the dwelling's parking area should cause any adverse effects. If future residents felt the need, the two might easily be separated by planting that would have no effect on the openness or character and appearance of the area.
21. I also see no reason why an appropriate space could not be found for the storage of refuse close to the parking area, and, from what I saw at my site visit, the lane would be suitable to serve the proposed development. The garden would be a sunny, open space that would serve future residents well. Given my views, here, I have had no need to form an opinion on the additional garden area proposed by the appellant in his statement and this has played no part in my decision.
22. My finding on this issue is that the proposal would provide appropriate internal and external spaces that would provide a good standard of accommodation to future occupants. As such, it would accord with the terms of LP Policy DP7.

CO2 emissions

23. Amongst other things, CS Policy CSP14 requires a saving of 10% in Carbon Dioxide emissions through the provision of renewable energy technologies in

schemes of up to 9 dwellings. A Written Ministerial Statement² ('WMS') sets out the Government's policy regarding the setting of technical standards, including with regards to energy efficiency.

24. In this regard it states that local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill [now Act] 2015. The relevant amendment is not yet in force and this means that LPAs can require an energy performance standard equivalent to former Code for Sustainable Homes (CSH) level 4. The requirements of CS Policy CSP14 equate to CSH level 3.
25. It is proposed to incorporate a Ground Sourced Heat Pump in the development, and an indicative location for this is shown on the proposed Block Plan. Whilst the Council does not object to this, it raises concerns that there might not be enough land to make this a feasible option and that there might not be a practicable alternative. Whilst I appreciate that this might require a generous amount of land, from my experience it would appear that the proposed garden and parking area could accommodate this. Should this not be the case, the appellant has a substantial area of land in his control immediately to the east of the site that could also be used for this purpose.
26. Therefore, the use of the condition suggested by the Council, which evidence³ submitted by the appellant shows that it has used previously, would ensure that the scheme would comply with the Council's energy efficiency standard in CS Policy CSP14, would be appropriate here.

Reliance on Car Travel

27. The site lies in a rural location that is divorced from service provision. The nearest settlements are a fairly long walk along roads that have few footways and little lighting. Whilst these routes would be unattractive to pedestrians, they would not be likely to pose any great difficulties to the majority of cyclists. Having said this, future residents would be likely to be reliant to a large degree on the use of private car travel.
28. Notwithstanding this, the traffic generated from a single dwelling would be limited and while the Framework indicates that development should be located where the need to travel can be minimised it also advises of the need to take account of policies elsewhere in the Framework, particularly those in rural areas.
29. Amongst these, the Framework supports the conversion of rural buildings to dwellings, even where these are in isolated locations – which is not the case here. Therefore, it is implicit that the Government accepts that the benefits of providing a dwelling through the conversion of a rural building can outweigh the harm that would arise from the use of car travel.
30. Locally, CS Policy CSP1 sets out the Council's preferences for the location of development. It makes no reference to the conversion of rural buildings, so

² Written Ministerial Statement Planning Update March 2015.

³ Decision notice TA/2017/60 - Demolition of non-agricultural barns and commercial stables. Erection of three detached dwellings. Site at Partridge Stud, Effingham Lane, Copthorne RH10 3HP

neither promotes nor seeks to preclude this form of development. However, policies elsewhere in the development plan – such as LP DP13 – provide support for the principle of such conversions. LP Policy DP1 requires the consideration of proposals positively and in accordance with policies elsewhere in the LP and those in the Framework. In the light of the above, I find that the scheme accords with policy aims relating to the use of private cars.

Other Matters

31. The Council has not made the case that the proposed development would have an adverse effect on the setting of the Pendell Conservation Area ('PCA'). Due to the small-scale of the building, its distance from the PCA and the presence of intervening buildings and vegetation, I agree with this finding.
32. A bat and bird survey⁴ was submitted with the planning application. It concludes that there was no evidence of the building being used by bats and birds for roosting or nesting. However, the possibility of this is not ruled out and it makes various recommendations in respect of the works to be undertaken and lighting. The Council has suggested a condition, if permission is granted, requiring compliance with the survey's recommendations. I agree that this would be necessary.

Conditions

33. A list of conditions have been proposed by the Council, in the event that the appeal is allowed. The appellant has not challenged these. I also wrote to the main parties asking for their views on conditions regarding landscaping and a CMS and agreement to pre-commencement conditions, if the appeal was allowed. As both parties have agreed to their wording, I am attaching these to my decision.
34. In addition to the statutory time limit a condition regarding compliance with the approved plans is necessary as this provides certainty. I find likewise with that requiring the submission of details of external finishes, which is necessary in the interests of protecting the character and appearance of the area. The need for those relating to energy efficiency, landscaping, a CMS and bats and birds is set out in the text, above. In order to provide suitable parking, a condition relating to parking and turning for vehicles, and cycling facilities for residents of the dwelling is necessary.
35. The PPG⁵ advises on conditions restricting the future use of permitted development rights or changes of use. It states these will rarely pass the test of necessity and should only be used in exceptional circumstances. Neither the PPG or Framework provide explicit support for the withdrawal of these rights when dealing with the conversion of rural buildings or in the case of development in the GB. I have not been provided with any evidence that persuades me that exceptional circumstances apply in this case. Therefore, I do not find that the Council's proposed conditions 7, 8 and 9 pass the tests in the Framework.

⁴ Daytime Bat Scoping Survey - Pendell Farmhouse Cottage, Bletchingley. Crossman Associates, 27 November 2018

⁵ Paragraph: 017 Reference ID: 21a-017-20140306. Revision date: 06 03 2014

Conclusion

36. For the above reasons, and having taken all other matters into account, I conclude that the appeal should be allowed.

Roy Curnow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not 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: Drawing No 000 Rev ### 'Location Plan'; Drawing No 001 Rev ### 'Block Plan'; Drawing No 200 Rev ### 'Proposed Elevations'; Drawing No 201 Rev ### 'Proposed Plans'; Drawing No 100 Rev ### 'Existing Elevations'; and Drawing No 101 Rev ### 'Existing Plans'.
- 3) No development shall start until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these approved details.
- 4) No development shall start until details demonstrating how the development would satisfy a 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.
- 5) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the 'Daytime Bat Scoping Survey' dated 27th November 2018 by Crossman Associates.
- 6) No development shall start until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants 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.
- 8) No development shall commence until details of a Conversion Method Statement, setting out a specific programme of works relating to the conversion of the building, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 9) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles/cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking areas shall be used and retained exclusively for its designated purpose.

END OF SCHEDULE