
Appeal Decisions

Site visit made on 15 November 2019

by Vicki Hirst BA (Hons) PG Dip TP MA MRTPI

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

Decision date: 24 January 2020

Appeal A Ref: APP/M3645/W/18/3213203

Appeal B Ref: APP/M3645/Y/18/3213205

Site Address: 1 Outwood Lane, Bletchingley, RH1 4LR

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- Appeal B is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeals are made by Mr Nish Patel against the decisions of Tandridge District Council.
- The applications Ref TA/2017/1836 and TA/2017/1839 dated 23 August 2017, were refused by notice dated 6 April 2018.
- The development and works proposed are the demolition of all detached outbuildings. Change of use of Public House (Class A4) into two residential dwellings (Class C3) and formation of a new access onto Godstone Road (A25).

Decisions

1. Both appeals are dismissed.

Procedural Matters

2. A combined application form was used for the works and development proposed under the Planning (Listed Building and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990. As set out above, there are two appeals before me which I have considered on their individual merits. To avoid duplication, I have dealt with the two together except where otherwise indicated.
3. The description of the development and works set out above is taken from the appeal form and the Council's decision notices. Whilst the description differs from that in the application form, as both the appellant and Council have used the above description and it more accurately reflects the development and works proposed I have used it for the purposes of making my decisions.
4. The applications were amended during their processing to reinstate a single storey extension on the north east side of the building and to update the visibility splay for the new access and reduce its width. It would appear that these amendments formed part of the Council's considerations, and as such I am satisfied that no injustice would arise from taking them into account and I have done so in reaching my decisions.

5. Since the Council issued its decisions a new version of the National Planning Policy Framework (the NPPF) was published in February 2019. I am satisfied that the revised version does not make any material difference to the main issues in these cases and I have had regard to it in reaching my decisions.
6. I have been provided with a considerable amount of correspondence and documentation including a chronology of events in respect of the Council's handling of the applications, the subject of these appeals. Such matters are not relevant to my consideration of the merits of the proposal before me and I have given no weight to them in reaching my decisions.

Main Issues

7. The main issues are:
 - whether the works and development would preserve the listed building or its setting, or any features of special architectural or historic interest which it possesses¹ and whether the development would preserve or enhance the character or appearance of the Bletchingley Conservation Area² (the heritage assets); and
 - whether the proposal would provide a sufficient saving in carbon dioxide emissions through the production of on-site renewable energy (Appeal A only).

Reasons

Background

8. The appeal site is located in the centre of the village of Bletchingley to the south east of the junction of Outwood Lane with the A25. The building on the site is currently empty and its last use was as a public house. It is a two storey timber framed building listed as Grade II. It is described in the listing description as a house (now public house) of 16th century origin and restored in the 19th century. It has a tile hung exterior at first floor with brick below and a plain tiled roof with rear chimney stacks to left and right and a front stack to the right of centre. It has two doors on the front elevation and 19th century casement windows to the front first floor. A modern flat roof extension is located to the rear and a single storey extension, of likely 19th century origin projects from the north east corner along the side of the A25 road. An existing access into the site from the A25 is positioned on the northern boundary.
9. Planning permission has been granted previously for the change of use from a public house to a single residential dwelling³. The Council's report to committee states that work to implement the conversion has commenced. A Lawful Development Certificate in respect of the use of an existing vehicular access from the site onto the A25 has also been granted⁴.
10. The current proposal would change the use of the pub into two dwellings with a new vehicular access from the A25 and the provision of parking to the east of the building. The modern flat roof extension to the rear would be altered and provided with a new hipped roof.

¹ Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

³ LPA Ref: TA/2014/2051

⁴ LPA Ref: 2016/1865

The Significance of the Heritage Assets

11. The Council believes the original part of the building was a three bay open hall house with a central bay and two storey bays on either side. Whilst the applications, the subject of these appeals, referred in part to an assessment of the building by Surrey County Council's Conservation Officer acting for Tandridge District Council and which considered the building to be a hall house, the appellant's more recent heritage statement of case provided with the appeal finds that assessment to be largely conjectural.
12. The Council contends that the building's significance lies in its history as a hall house and also through its commercial use as a public house. The appellant finds its significance to lie in its historical use as two cottages. I note that Surrey County Council's appraisal states that it followed a relatively speedy investigation of the fabric and should not be treated as definitive on the development or significance of the building.
13. Notwithstanding, there is no dispute between the parties that the building dates back to the 16th century and this is evidenced in its physical fabric. I have been provided with little early historical evidence pertaining to its use but there is agreement that the building was in use as two houses during the 19th century. The appellant's documentary evidence shows that the building comprised two dwellings at the time of the 1843 tithe map and this is shown on the 1875 OS map. The parties agree that the building accommodated two households in 1881 and was a public house and cottage at this time. By 1891 the census records only show the public house. It remained as a public house until its closure in 2013.
14. Taking account of all the evidence provided, there is no doubt that the building was used as two cottages during a large part of the 19th century and was latterly in single use as a public house.
15. In respect of the years prior to its use as two cottages there is less evidence before me. However, the listing description refers to it as a house (singular) now public house and it was listed during its use as a public house. Whilst the listing recognises that it was restored during the 19th century there is no mention of its use or importance as two dwellings.
16. Furthermore, the building retains 16th and 17th century fabric and despite interventions and alterations, in my assessment from my own observations on site and the evidence before me, the basic layout of the building is consistent with the plan form of a hall house. Although a floor has been provided over the hall, it continues to have three distinguishable bays and internal cross passage. The position of the fireplace, whilst much altered, also conforms with a hall house layout and has been designed to keep the cross passage unobstructed. The building retains the rare survival of the top of a spere partition against the moulded dais beam and which, from the evidence before me, would have historically been part of the hall bench in the northern end of the building. Taking all these matters together and in the absence of any persuasive contradictory evidence, I find the remaining fabric and layout of the building to strongly indicate that the building would have originally been used as a hall house. The layout and plan form of the building in this respect remain legible.
17. I have no evidence before me that the building was used as two dwellings prior to the 19th century. The nature of hall houses was such that they were

designed for single occupation and this is borne out by the remaining historical fabric and evidence in the building. Any earlier use of the building as two dwellings is likely to have been evidenced through further physical evidence, and in particular a second large inglenook fireplace that would have been essential to cooking and heating at the time. There is no physical evidence of the same.

18. As such, I find the building's historical and architectural significance to lie primarily in its 16th century origins as a single hall house rather than through its 19th century use as two dwellings. The building has remaining evidential and illustrative value as a hall house despite its later alterations and use as two cottages and a public house. Whilst the evolution of the building into two cottages and back to a public house is of historical interest, I find this to be secondary to the earlier significance of the building derived from its 16th century origins.
19. The designated Bletchingley Conservation Area (the Conservation Area) covers much of the historic core of the village and largely relates to its significance as a historic market centre. Its significance is also attributable to its pattern of development which was historically laid out through the letting of burgage plots. The orientation of such plots on an east-west axis remains highly legible.
20. Furthermore, the wide expanse of the historic marketplace to the north west of the appeal site remains evident despite the later creation of the A25 which cuts through the centre of the village.
21. The Conservation Area appraisal refers to the orientation of the appeal site being towards Outwood Lane and the marketplace. It clearly originally faced towards the marketplace, and its orientation away from the main street is largely the result of the A25 which was a much later addition. Nonetheless, the appraisal emphasises the importance of the relatively narrow gateway into the village when entering from the east and the contrast between this and the wide high street it opens into. It finds this view to be particularly significant.
22. The appellant's heritage consultant finds the contrast between the narrow street and the wide high street to be more by accident than design and that the importance of this feature is over exaggerated. He states that the eastern end of the village was historically enclosed and the change with the road represents a loss of this historic component of the village. He considers the contribution that the appeal site makes to the Conservation Area to be limited.
23. In my assessment the appeal building provides an important contribution to the Conservation Area through its vernacular architecture and historic association with the marketplace and commerce. Its associated land to the east is consistent with the pattern of burgage plots in the vicinity. Its northern boundary was historically demarcated by a stone and brick wall, much of which is no longer present or is in a poor state of repair. Nonetheless, the building on the site, and in particular its gable end and outshot to the north east, make an important contribution to the narrowing of the street at this point and which, with other buildings on the opposite side of the road, give a sense of arrival/departure in the centre of the village. As such I find the appeal site to be an important feature in contributing to the character and appearance and thus significance of the Conservation Area.

The effect of the proposed works and development on the heritage assets

24. The proposal would provide one dwelling in the northern two bays of the building and one in the remaining southern bay. A permanent firewall division would be provided between the two halves.
25. I have found above that the significance of the building is derived largely from its legibility as a three bay hall house and that despite alterations throughout its history, its hall house plan form is still apparent. The permanent subdivision of the building into two dwellings would block the historic circulation route between the bays and sever the understanding of its original plan form. Whilst I acknowledge that the building was divided into two cottages for much of the 19th century, its return to a public house for much of its recent history has enabled its 16th century origins to be appreciated once again. I find that the conversion of the building into two dwellings would cause permanent and irreversible harm to the significance of the building as a hall house and its associated special architectural and historic interest.
26. Furthermore, I have found below that the proposal would only meet the 10% saving in carbon dioxide emissions required by planning policy in respect of Appeal A with the inclusion of solar photovoltaic (PV) panels. No details of these panels have been provided on the drawings. Whilst I acknowledge that the Council included a condition on the earlier planning permission requiring details as to how the 10% saving would be satisfied, I consider such details to be essential considerations in reaching a view on the acceptability of the proposal with regard to its effect on the heritage assets. In the absence of fully worked out drawings, indicating both the position of panels and their associated pipework and installation means I am unable to conclude that they would preserve the special interest of the listed building or its setting and the special architectural and historic interest that it possesses.
27. The Council has raised concern at the effect of the new access on the setting of the listed building. The proposed access would be 4.1 metres wide, centrally located on the northern boundary and would be provided with a new 2 metre high wall along both visibility splays. Parking and turning would be provided within the site.
28. It was evident on my site visit that much of the original perimeter wall is no longer in existence. Although the access would create a gap with associated visibility splays in the perimeter of the site, the reinstatement of the wall, albeit taking account of its re-alignment, would largely re-affirm the original plot layout attributed to the building and the pattern of development in the area enabling it to still be appreciated. I am satisfied that the use of materials sympathetic to the setting of the listed building could be secured through a planning condition.
29. Turning to the Conservation Area, the Council's concerns relate primarily to the effect of the new access and parking on its character and appearance. I have found that the proximity of the appeal buildings combined with the narrow width of the A25 at this point result in a sense of arrival/departure when passing into/out of the wider high street. The proposal does not seek to alter or remove these buildings and as such the contribution that they make to the significance of the Conservation Area would not be altered.

30. The proposed access would reinstate much of the wall along the northern boundary, albeit on a realignment to provide the necessary visibility splays. The existing entrance, the subject of a Lawful Development Certificate, would be closed off by the new wall. In my assessment the importance of the contrast of the narrow street into the wider village would be preserved and to a certain extent enhanced by the provision of a new high wall along much of the site's northern boundary. Whilst it would be angled and thus give a sense of width to the road along part of its length, this would have a similar effect to the cottages that are located opposite the site and are similarly set back slightly from the road. In my assessment the bottleneck effect at the point of entry into the wider high street would be unaffected as this is largely attributed to the buildings that remain as part of the proposal.
31. I conclude that the access and parking arrangements are acceptable and would preserve the special interest of the listed building and its setting. They would also preserve and, to a certain extent, enhance the character and appearance of the Conservation Area.
32. However, I conclude that the proposed change of use of the public house to two residential dwellings would fail to preserve the special interest of the listed building and the special architectural and historic features that it possesses. It would result in harm to its significance. Having regard to the test in the NPPF I find this harm to be less than substantial.
33. As such, the NPPF states that where a proposal will lead to less than substantial harm to the significance of an asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use⁵. I have also taken the case law cited by the appellant in this respect into account⁶.
34. The appellant claims that the proposal represents the optimum viable use of the site. The Government's practice guidance "Historic Environment" states that if there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset. It also states that the optimum use may not necessarily be the most economically viable one⁷.
35. Planning permission has been granted for a single residential use of the site. Despite a further listed building consent being required I note the Council's historic buildings' advisor welcomed the change of use and it was found to have a positive impact on the visual amenities of the listed building⁸. I have no reason to believe that this permission does not represent a realistic fallback position in the event that these appeals fail. I have found the scheme before me would cause harm and therefore in light of the permission that has been granted, I do not find the proposal to be the optimum viable use.
36. Furthermore, the public benefits advanced by the appellant⁹ in respect of the preservation of the heritage assets by, amongst other things, bringing it back into use, funding refurbishment, implementing landscaping, improving access and windows, heating, fire protection and rewiring can equally be applied to a

⁵ Paragraph 196, National Planning Policy Framework, February 2019

⁶ Jones v Mordue [2015] EWCA Civ 1243

⁷ Paragraph 015, NPPF Planning Practice Guidance "Historic Environment", July 2019

⁸ Officer's report TA/2014/2051

⁹ As set out in Appendix 1 of the appellant's Heritage Statement of Case

single residential use without the associated harm that I have identified would arise from the proposal before me.

37. I have also taken into account the public benefit of removing the lawful access into the site and which is considered to be sub-standard. However, I do not find that this minor benefit provides sufficient justification to allow the current proposal with its associated harm.
38. I have also taken into account that the Council is currently unable to provide a 5 year housing supply with a current supply of some 2.45 years. Whilst the provision of additional housing to meet housing need is an important consideration, I do not find the limited benefit arising from the current proposal for two houses would outweigh the harm to the heritage asset that I have found would occur in this particular case.
39. I conclude that the public benefits advanced by the appellant in this case do not outweigh the harm that I have identified would arise from the proposal before me. As such the proposal would not meet the statutory requirements set out in sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would not be in accord with policy DP20 of the Tandridge District Local Plan: Part 2 – Detailed Policies 2014 which provides, amongst other things, a presumption in favour of proposals that protect, preserve and wherever possible enhance the historic interest, cultural value, architectural character, visual appearance and setting of heritage assets. Furthermore, it conflicts with the policy intent that only where the public benefits significantly outweigh the harm to a designated asset will exceptional planning consent be granted with such benefits being proportional to the significance of the asset and the level of harm. It would also conflict with the requirements of the NPPF to give great weight to the conservation of heritage assets' conservation and for them to be conserved in a manner appropriate to their significance¹⁰.

Whether the proposal would provide a sufficient saving in carbon dioxide emissions through the production of on-site renewable energy.

40. Policy CSP 14 of the adopted Tandridge District Core Strategy requires developments of 1-9 dwellings with a floor area of 500m² or greater to reach a minimum 10% saving in CO₂ emissions through the incorporation of on-site renewable energy. The Council refused Appeal A on the grounds that no details had been provided in respect of this requirement.
41. The appellant has provided an energy statement with his appeal documents. The statement concludes that the most appropriate technology to achieve the 10% saving for the appeal proposal would be solar PV panels located on the rear south easterly facing roof slope. The calculations indicate that a total of seven panels would be required for the combined dwellings.
42. I have no reason to disagree with the report's findings. However, no details have been provided in respect of the panels, and in particular their precise location and the associated requirements for their installation. In the absence of this information I am unable to conclude that there would not be a resulting harm to the fabric and special interest of the listed building. As such, I have insufficient information to conclude that the 10% saving required by planning

¹⁰ Paragraphs 184 & 193, National Planning Policy Framework, February 2019

policy would be achievable in respect of the proposal before me. In the absence of such information I am unable to conclude that the proposal would be in accord with policy CSP 14 of the Tandridge District Core Strategy.

Conclusions

43. I have taken into account all other matters raised, including third party support and objection to the proposal but find none that outweigh the harm that I have identified. For the above reasons I dismiss both appeals.

Vicki Hirst

INSPECTOR