



Appeal Decision

Site visit made on 28 July 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2020

Appeal Ref: APP/N0140/W/20/3245497

6 Fairfield Lane, Farnham Royal SL2 3BX

- 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 Lotus Housing against the decision of South Bucks District Council.
 - The application Ref PL/19/1348/FA, dated 11 April 2019, was refused by notice dated 15 November 2019.
 - The development proposed is application to continue the use of the building as a Supported Living facility (Sui Generis Use Class) and minor alterations to building.
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Decision

1. The appeal is allowed, and planning permission is granted for a change of use to supported living facility (Use Class C2) and alterations to rear elevation for changes from a window to a door at 6 Fairfield Lane, Farnham Royal SL2 3BX, in accordance with the terms of the application, Ref PL/19/1348/FA and the plans submitted with it, dated 11 April 2019 and subject to the following conditions:
 1. The number of residents associated with the use hereby permitted shall not exceed a total of 7.
 2. The development hereby permitted shall be used only as a supported living facility and for no other purposes within Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended.

Preliminary Matters

2. For the purpose of accuracy and precision, I have used an adapted version of the description of development as it appears in the Appeal Form and Decision Notice omitting reference to the 'retrospective' as this is not an act of development.
3. I observed that the change of use described above has already occurred and I have therefore dealt with the appeal on this basis.
4. I note from their submissions, the Council do not take issue with the proposed alterations to the existing building. I have therefore dealt with the appeal on this basis and have limited my assessment to the change of use.

Main Issues

5. The main issues are the effect of the proposed development on the living conditions:
 - Of surrounding residents, with particular regard to noise, activity and general disturbance; and
 - Of future residents, with particular regard to the internal layout of the building and the accessibility of the appeal site to local services.

Reasons

Living conditions of surrounding residents

6. The appeal site comprises a large detached property, set within a predominately residential area. Surrounding properties are similarly large and set within relatively large plots, with private rear gardens. Parking in the area, including for the appeal site, is generally provided off-street, giving the street a quiet and sub-urban character. To the rear of the appeal site is a recent development of detached dwellings, accessed via a gated entrance to the side of the appeal property.
7. The proposal involved the change of use of the dwelling to a supported living facility (Use Class C2) for up to 7 residents, together with minor alterations to the building's fenestration including the change of a ground floor window to a door. Separate bedrooms, bathrooms and cooking facilities are provided for each resident, along with a communal area, including access to the rear garden.
8. Policy EP3 of the South Bucks District Local Plan Adopted March 1999 (the Local Plan) is concerned with the use, design and layout of development and requires uses to be compatible with those of adjacent land and buildings. Policy H6 of the Local Plan relates to Specialist Residential Accommodation, and in respect to surrounding residents, refers back to Policy EP3.
9. Due to the nature of the use, occupiers of the appeal property are likely to lead relatively independent lives from one another. Families occupying a single dwelling, even a large one, are more likely to carry out day to day activities together as a single household. Taking account of the size of the appeal property, the activity generated by seven persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors, would be likely to lead to a level of activity that would be more noticeable than that which could reasonably be expected to be associated with a single house, even one occupied by a large family.
10. In this case however, as a detached property, any additional internal noise and activity, would be contained within the appeal building and unlikely to be perceptible to adjoining residents. Furthermore, I acknowledge the submissions that the dwelling could, based on the information before me, lawfully be used as a 6-bed House in Multiple Occupation (HMO) and that the proposal would represent an increase of one additional resident beyond the apparent 6-bed fallback use. Therefore, any increase in the level and amount of general disturbance arising from the proposal is likely to be very limited when compared to that of a large family or a 6-bed HMO, and will therefore not have a significant effect upon surrounding residents.

11. From the submissions, I note that residents do not have access to their own vehicles, with vehicle movements likely to be restricted to those of the wardens and any support staff. Overall, this level of vehicular activity is generally comparable to that which would be expected from a family dwelling. In this respect, it is unlikely to give rise to significant disturbance from additional vehicle movements.
12. For the above reasons, I conclude that the proposed development would not have a significant effect on the living conditions of surrounding residents. As such, and in this regard, the proposal is not contrary to Policies EP3 and H6 of the Local Plan and the Policies contained within the National Planning Policy Framework (The Framework).

Living conditions of future occupiers

13. Policy H6 of the Local Plan requires proposals, amongst other things to ensure adequate garden space is provided or retained to meet the needs of residents and to ensure that sites are conveniently located for shops, services and public transport. The need for sustainable transport modes is reinforced by Policy C7 of the South Bucks Core Strategy February 2011.
14. With regard to the internal arrangement of the building, I note that the Council do not have any adopted space standards that relate to the proposed use. In this regard, I have however been referred to the Council's Standards for Houses in Multiple Occupation (2018) (HMO Standards). Whilst these refer to a different use class, there are similarities between HMOs and the appeal use, therefore, in the absence of specific standards for C2 uses, they provide a useful benchmark against which to assess the proposals. Under these standards, rooms with kitchen facilities are required to provide a minimum of 11sqm. From the submitted information, all the proposed rooms meet this minimum level of provision.
15. Whilst ensuring the size of the available rooms is adequate, this however is only one consideration. It is important that rooms are provided with sufficient levels of natural daylight and are designed in such a way as to ensure they are fully usable for their intended purpose and provide for an occupier's mental health and wellbeing. In this regard, ground floor studios 2 and 4 are relatively long and narrow and are accessible only from the rear. I note however, that the size of these studios is in excess of the minimum 11sqm. Moreover, these particular studios are located to the rear of the property, thereby allowing occupants direct access to the rear garden. On this basis, the overall size, layout and design of the rooms is adequate.
16. Communal space is also provided internally both in the form of two ground floor rooms. The HMO Standards identify that if the proposal was an HMO, it would require a communal living area of at least 15sqm. I note that, when combined, the internal provision exceeds this. A garden is also provided, which is accessed via one of the communal rooms and is therefore available to all residents. On this basis, it is therefore considered that the appeal proposal provides sufficient communal space to meet the needs of occupiers.
17. The Framework has a core principle of making the fullest possible use of public transport, walking and cycling. My attention has been drawn to the presence of bus stops on the A355. The stops lie within a reasonable walking distance of the appeal site and provide half-hourly services to Farnham Common to the

north and Slough to the south. Furthermore, there is a local shop in Farnham Royal, which is also within a reasonable walking distance of the site. I also note that the site lies within the settlement boundary. On this basis, the appeal site is in a sustainable location and is conveniently located in relation to shops, services and public transport requirements.

18. For the above reasons, I conclude that the proposed development would not adversely affect the living conditions of future occupiers. As such, and in this regard, the proposal is not contrary to Policies EP3 and H6 of the Local Plan, Core Policy 7 of the Core Strategy and the Policies contained within the Framework.

Other Matters

19. Many of the letters from local residents submitted to the Council and on the appeal, raise concerns with regards to anti-social behaviour arising from the development, the involvement of the Police in recent incidents, the overall appearance of the site and a general concern that the proposal would give rise to an increase in anti-social behaviour or crime in the area. In this regard, I note that no objections were received from the Council's Environmental Health Officer on the appeal application. Nor were any comments made on the appeal application by the Police. On this basis, there is no firm evidence to suggest that the development would have a significant effect on rates of crime. Therefore, whilst I do not doubt that the reported instances have occurred, there is no substantive evidence before me that would warrant the refusal of planning permission on these grounds alone.
20. The issue of impact on property values has also been raised. It is a well-established principle that the planning system does not exist to protect private interests such as value of land or property.
21. The fact that the development has been undertaken without permission is not a reason in itself to dismiss the appeal. The development should be judged against material planning considerations.
22. Reference has also been made to the adequacy of parking for visitors and deliveries. I note that the Highway Authority assessed the appeal application and considered that the proposed development would not have a significant impact upon the safety and operation of the adjoining public highway. Therefore, without any substantive evidence to the contrary, and given my conclusion in relation to the second main issue, parking provision does not justify the withholding of planning permission.
23. Concerns have also been expressed with regards to the overall level of care given to, and the welfare of occupiers of the building, including the lack of a warden on-site at certain times of the day. These matters are however controlled by other mechanisms and responsible bodies outside planning control.
24. Concern has also been raised with regards to the potential for the use to intensify with additional residents. This can be adequately addressed through a suitably worded condition to restrict the total number of occupants.

Conditions

25. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. To protect the living conditions of surrounding residents, it is necessary to impose a condition to restrict the number of occupants to no more than 7 and to ensure that the property is only used for the purposes of supported living.
26. With regards to the Council's suggested condition 1 in relation to the commencement of development, given that the proposed use has already commenced, such a condition is not necessary. For the same reasons, it would also be unnecessary to require a scheme of car parking provision to be submitted and for the development to be carried out in accordance with approved plans.

Conclusion

27. I conclude, for the reasons outlined above, that the appeal should be allowed, subject to the identified conditions.

Adrian Hunter

INSPECTOR