
Appeal Decision

Site visit made on 25 August 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/M3645/W/20/3246111

Land North of 66 Rook Lane, Chaldon CR3 5AD

- 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 Jobling against the decision of Tandridge District Council.
 - The application Ref TA/2019/1645, dated 11 September 2019, was refused by notice dated 30 December 2019.
 - The development proposed is a change of use of garage to dwelling.
-

Decision

1. The appeal is dismissed.

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.

Procedural Matter

3. The site address has been taken from the appeal form rather than the application form, as this provides a more accurate representation of the location of the site.
4. The Council has raised concerns that the building has not been constructed in accordance with the approved planning permission¹. On the site visit it was noted that, rather than a traditional garage door, patio doors had been implemented which were more residential in appearance. However, the building was being used for the storage of vehicles and therefore it is not considered that the material of the door would have any bearing on the appeal before me.

Main Issues

5. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - Whether the development would provide satisfactory living conditions for its future occupiers with regards to living accommodation and outlook; and

¹ TA/2018/1909

- Would the harm by reason of inappropriateness be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it would be inappropriate

6. The appeal site is located at the end of a track off Rook Lane and is currently occupied by a detached building used as a garage/workshop. It is in a rural area surrounded by several other dwellings and is within the Green Belt. The proposal would change the use of the garage to a dwelling with two first floor bedrooms on a mezzanine level which has already been constructed. Paragraph 146 of the Framework indicates that the re-use of buildings of permanent and substantial construction are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
7. Policy DP13 of the Tandridge Local Plan: Part 2 Detailed Policies (2014) is generally consistent with the Framework's approach stating that the re-use of buildings within the Green Belt for residential purposes is not inappropriate development subject to four criteria, three of which are relevant to the proposal. Firstly, that the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, secondly, that the buildings are of permanent and substantial construction, are structurally sound and capable of re-use without major alterations, adaptations or reconstruction and lastly, that the proposed use can be wholly or substantially contained within the building identified for re-use.
8. Although the appellant claims that the appeal site can already be used for ancillary residential purposes and the siting of domestic paraphernalia, the garage is considerably separate from any residential property and there is no substantive evidence to indicate it, and the associated land around it, is ancillary to any dwelling. It is acknowledged that there is no limit on the number of vehicle movements to and from the garage or the number of vehicles that could be parked at the site, and it is possible for a fence of up to 2m in height to be erected on the land. Nonetheless, the change of use to a dwelling would result in the introduction of outdoor domestic activities and associated domestic paraphernalia on the site.
9. With regard to the impact of this on openness, the appeal site is not visible from the road and therefore any changes to the appearance of the site stemming from the change of use, such as the presence of domestic paraphernalia, would not be readily visible from the public realm. Such items would however be visible from surrounding properties and would therefore have some limited harmful impact on the visual openness of the Green Belt. The appellant's reduction in the size of the site to be used for residential purposes is noted. Although this would limit the amount of the site which would be used for residential purposes, it would still have a greater impact on openness than the current use of the site.
10. The limited adverse impact on openness would not preserve the openness of the Green Belt and therefore would not accord with the first requirement of Policy DP13, or the Framework. Moreover, due to the domestication of the site, the proposed use would not be wholly or substantially contained within the

building and so would not be in accordance with the third requirement of the policy.

11. The current garage is of permanent and substantial construction and appears structurally sound and capable of re-use without major alteration in accordance with the policy's second requirement. Nonetheless, its failure to meet the other strands of the policy, and paragraph 146 of the Framework, means it would constitute inappropriate development within the Green Belt.
12. The appellant has highlighted that parking is currently permissible on an area of hardstanding to the front of the building and internal parking would be retained in the building, so there would be no increase in the number of vehicles parked outside. An internal area for parking has not been specifically highlighted on the proposed plans and due to the open plan nature of the property it seems unlikely that this would be a suitable option. As such, to mitigate for this, it is likely that external parking on the site would increase, contrary to Policy DP13.
13. In summary, the proposed inappropriate development would be harmful to the Green Belt which, in accordance with paragraph 144 of the Framework, should be given substantial weight.

Living Conditions

14. The Council have stated that the height of the ceiling on the ground floor would be 2.24m and the height of the ceiling on the first floor would be 2.1m, which is lower than the Nationally Described Space Standard of 2.3m. This is not disputed by the appellant. However, these standards are not referred to in the development plan and therefore carry little weight.
15. It was noted during the site visit that the ceiling height at ground floor level was sufficient for residential purposes. However, the first floor is situated in the roof of the current building with the 2.1m headroom only possible in the centre of the rooms and reducing in height to the sides. This creates only a small amount of useable space. Therefore, notwithstanding the Nationally Described Space Standards, the headroom in the mezzanine is so low that it would not, I consider, provide acceptable living conditions.
16. Some of the windows serving the ground floor space are high-level and small in size. However, there are some larger windows and patio doors which in total provide adequate levels of light and outlook to the open plan ground floor area. Likewise the two first floor bedrooms would be served by four rooflights each and, although these are not conventional in nature, they would still provide suitable light with some outlook into the garden space.
17. However, for the reasons above, I consider that the proposal would fail to provide satisfactory living conditions for the future occupiers of the proposed dwelling and therefore would be contrary to Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014). This Policy ensures that proposals provide a satisfactory environment for the occupiers of both the existing and new development.

Other Considerations

18. The appellant has highlighted that the Council cannot demonstrate a 5-year housing land supply and therefore there is a requirement to apply the tilted

balance set out paragraph 11(d) of the Framework. However, as the proposal is within land designated as Green Belt, the test in paragraph 11(d)(i) should be applied. As it has been found that the proposal amounts to inappropriate development within the Green Belt, there is a clear reason for refusing the development proposed and the proposal will not benefit from the presumption in favour of sustainable development. Therefore, the lack of a sufficient housing supply is given minimal weight.

19. The dwelling would use renewable energy technology which would provide a reduction in CO² emissions. Furthermore, the appellant has highlighted the economic benefits of the proposal from the construction contract and the economic contribution of the future residents. However, for one dwelling these environmental and economic benefits are minimal and therefore this can only be given limited weight.
20. It has been stated that in a dismissed appeal decision, for a new dwelling on the same site, the inspector did not object to traffic movements, highway safety or impact on character and appearance of the area. It is also stated by the appellant that the proposal is visually attractive and sympathetic to its surroundings. The lack of harm in these respects is given neutral weight.

Green Belt Balance, Conclusion and Recommendation

21. Overall, I find that the other considerations in this case do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist.
22. Therefore the proposed development in the Green Belt would fail to accord with policies DP10 and DP13 which seek to protect the Green Belt, along with the Green Belt objectives of the Framework.
23. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR