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# Appeal Decision

Site visit made on 13 December 2021

**by Martin Chandler BSc, MA, MRTPI**

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

**Decision date: 11 January 2022**

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**Appeal Ref: APP/M3645/W/21/3274077**

**The Coach House, Effingham Lane, Copthorne RH10 3HP**

- 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 S Randell against the decision of Tandridge District Council.
  - The application Ref TA/2020/1824, dated 12 October 2020, was refused by notice dated 8 December 2020.
  - The development proposed is relocation of existing C3 residential dwelling.
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## Decision

1. The appeal is allowed, and planning permission is granted for the relocation of existing C3 residential dwelling, at The Coach House, Effingham Lane, Copthorne RH10 3HP, in accordance with the terms of application Ref: TA/2020/1824, dated 12 October 2020, and subject to the conditions in the attached Schedule.

## Preliminary Matters and Main Issues

2. Planning permission was originally refused for four reasons, one of which related to the use of renewable energy technologies, and one which related to ecology. However, through the appeal, the appellant has provided additional information to overcome these concerns. In their statement, the Council has confirmed that subject to securing certain details through the use of planning conditions, these two refusal reasons have now been overcome.
3. Based on the evidence before me, I have no reason to disagree with the Council. Moreover, I am satisfied that in accepting the information at this stage, no parties have been prejudiced. Accordingly, in light of the appeal site's location within the Green Belt, the remaining main issues are:
  - i) whether the proposed development would constitute inappropriate development within the Green Belt; and
  - ii) the effect of the proposal on the character and appearance of the surrounding area.

## Reasons

### *Inappropriate Development*

4. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 confirms that the construction of new building should be regarded as inappropriate in the Green Belt but identifies exceptions to this,

one of which, exception 'd', relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. The proposal would seek to replace the building with a building of an identical footprint and form, but in a different location on the appeal site. Accordingly, the proposal would comply with the requirements of Paragraph 149 (d), as identified above. In this regard, when assessed against the Framework, the proposal would not constitute inappropriate development.
6. Policy DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014) (LP) relates to Buildings in the Green Belt. It seeks to replicate national Green Belt policy, but with regard to replacement buildings it introduces an additional criterion. This being that the proposed new building should be sited on or close to the position of the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt. On this basis, the alternative siting would not demonstrably improve openness. Consequently, to comply with local policy, the requirement is that the proposal would be sited on or close to the position of the building it is replacing.
7. The appeal site is a parcel of land accessed via a narrow track. The existing building is located beyond the established building line in a somewhat secluded location and it is not visible from the public realm. The site is modest in size and includes a large area of hardstanding as well as private amenity space. It is a well-contained parcel of land that is not sprawling in nature and does not extend far from the established cluster of buildings.
8. The local plan does not define the term 'close to the position of the building it is replacing'. However, the nature and size of the appeal site prevents the replacement building being a significant distance from its existing location. In my judgement, the proposal would still have a visual and physical link with the existing cluster of buildings, and it would not result in a dwelling that would be substantially removed from the established built form. Accordingly, I am satisfied that the proposal would be suitably close to the position of the building it would replace.
9. I therefore conclude that the proposal would not constitute inappropriate development within the Green Belt. On this basis, it would accord with the Green Belt protection aims of the Framework, and the requirements of Policies DP10 and DP13 of the LP, which establish the local requirements for development within the Green Belt.

### *Character and Appearance*

10. As identified above, the appeal site is a parcel of land located beyond an established cluster of dwellings. It is well screened from the public realm by mature landscaping and due to the presence of established greenery, the appeal site and its surroundings benefit from a verdant and spacious character.
11. The proposal would relocate the building further from existing development. However, as identified above, the severance would not be dramatic, and the proposal would retain a visual and physical link that would be comparable to the existing situation. Existing landscaping would be retained and accordingly, the proposed dwelling would remain equally inconspicuous from the public realm. Consequently, I am satisfied that the proposal would not have an

urbanising effect on the character and appearance of the area, or result in a more sporadic urban grain. Instead, the siting of the proposal would be suitably respectful to the verdant and spacious qualities of the site and its surroundings.

12. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. Accordingly, it would comply with Policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008), and Policy DP7 of the LP. Taken together, these seek amongst other things, development of a high standard which reflects and respects existing character.

### **Conditions**

13. In light of my findings set out above, conditions are necessary in the interests of precision and clarity to establish the time limit for the commencement of development, as well as to identify the approved drawing number. Conditions 3 and 4 are necessary to ensure a high quality for both the building and its immediate landscaping. I note the appellant's reservations regarding these matters, but the proposal seeks to create a new building and consequently, understanding the specific design details is necessary. Condition 5 is necessary to safeguard ecology, and condition 6 is necessary in the interests of highway safety. Conditions 7 and 8 are necessary to promote the use of renewable energy technology, and condition 9 is necessary to safeguard the ecological interest of the site.
14. The Council have suggested conditions which seek to remove permitted development rights. However, I am not aware that the existing building has such restrictions attached to it, and as identified above, I have found that the proposal is acceptable from both a Green Belt and character and appearance perspective. The Framework requires clear justification to remove permitted development rights, and based on the evidence before me, I am not satisfied that such justification exists. Accordingly, I have not attached these conditions.

### **Conclusion**

15. For the reasons identified above, the appeal should be allowed.

*Martin Chandler*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
- 2) This decision refers to drawing labelled 'Rev - - J O'Neill' scanned in on 13 October 2020. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.
- 3) No development shall take place above ground level until details of the materials (including physical samples) to be used in the construction of the external surfaces of the dwellings 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 take place above ground level until full details of both hard and soft landscape works (including SuDS) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - means of enclosure
  - car parking layouts (to include 3 spaces per unit min.)
  - other vehicle and pedestrian access and circulation areas
  - hard surfacing materials
  - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

- 5) Details of any external lighting, including details of the lighting units and light spread, shall be submitted to and approved by the District Planning Authority in writing prior to any such provision on the site.

- 6) 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 to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
- 7) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 8) The development hereby permitted shall not be occupied until the Air Source Heat Pump has been installed and connected in accordance with the Energy Statement created by Blew Burton Ltd dated March 2021. Once implemented, the specified renewable energy technology shall be retained and maintained for as long as the development remains in existence.
- 9) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Preliminary Ecological Appraisal created by The Ecology Co-Op Environmental Consultants dated 21 April 2021.