



Appeal Decision

Site visit made on 25 January 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022

Appeal Ref: APP/M3645/W/21/3275070

St. Georges Stables, Crowhurst Village Road, Crowhurst RH7 6LS

- 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 & Mrs B Ford against the decision of Tandridge District Council.
 - The application Ref TA/2019/2017, dated 8 November 2019, was refused by notice dated 4 December 2020.
 - The development proposed is the conversion and extension of commercial stables with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. It does not raise any new considerations in relation to this appeal.

Main Issues

3. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt;
 - (b) the effect of the proposed development on the character and appearance of the area;
 - (c) the effect of the proposed development on the living conditions of future occupiers; and
 - (d) would harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Paragraph 150(d) of the Framework identifies the re-use of buildings, provided that the buildings are of permanent and substantial construction, as not being inappropriate development in the Green Belt. The existing two stable buildings,

¹ National Planning Policy Framework (2021)

which are parallel to one another, are said by the appellant to be capable of being re-used without major alteration or rebuilding. I have had regard to the engineering report from Bellamy Wallace Partnership. It is clear that the conversion could involve a significant amount of work, including underpinning, new roof beams and coverings, which the Council's Building Control department observe could be expensive. However, there is no definitive evidence to indicate that the buildings are not permanent or of substantial enough construction that the conversion works could not be undertaken successfully.

5. The appellants also refer me to Paragraph 149(g) of the Framework which identifies the partial or complete redevelopment of Previously Developed Land (PDL), whether redundant or in continuing use, as not being inappropriate development in the Green Belt. The appellant notes that the site could be considered to be PDL. Given my observations of the site I agree that the stables could be considered to be PDL.
6. However, for development to not be inappropriate development under either Paragraphs 150(d) or 149(g) of the Framework there is an explicit requirement to also consider the openness of the Green Belt in relation to the proposal. In determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts.
7. In seeking to reuse the buildings and redevelop the land, the proposal involves enclosing the gap between the two stables with a permanent structure. The proposal does not seek to define a curtilage for the resulting dwelling, noting that the site as a whole would remain in a mix of residential and commercial uses.
8. However, the submitted drawings do refer to a 'residential amenity garden area' immediately to the south west of the dwelling and show a slightly raised patio immediately adjoining it. Given its south westerly position relative to the main building, it is likely that this area, particularly the patio, would be used at times for such activities as outside seating or dining, which in the summer could involve parasols and other items. The garden area could contain other domestic items such as children's play equipment. The existing workshop is linked to the commercial fencing operations. Two of the three other existing outbuildings further from the dwelling are to be removed. Thus, the proposed dwelling would not appear to have any storage facilities for such domestic paraphernalia.
9. Given the absence of any facilities to store such items, they are likely to become semi-permanent features and so the openness of the land would be further hindered. Furthermore, the submitted drawings identify a bin storage enclosure positioned a short distance from the dwelling and adjacent to the existing driveway. Although not permanent, there may be further harm caused to openness as a result of any vehicles associated with the residential use of the site being parked.
10. Overall, the proposed development would remove the gap between the two existing stable buildings, extend residential activities to the south west of the existing stables and to a lesser extent along the driveway. Taking all these factors together the proposal would result in a significant loss of openness to the Green Belt.

11. The appellant's have drawn my attention to the hay barn and storage area which would be removed as part of the proposal. It is suggested that their removal, whilst not essential to the consideration of openness, would help to compensate for any perceived loss of openness caused by the proposed scheme.
12. Whilst these structures are said to have a combined floorspace of 57.84m² (in comparison to the 27.6m² of the extension) they are positioned along the site's northern boundary, adjacent to mature planting. Thus, they are less exposed to views into the site than the existing stables. Notwithstanding the proposed extension comprises a high percentage of glazing, these existing structures are more open, and their construction suggests a less permanent appearance than that of the proposed extension. They are also set some distance from the stables whereas what is proposed would be a more concentrated and visible development.
13. The hay barn and storage area have, subsequent to the submission of the planning application, been confirmed as being lawful. Whilst their removal could be controlled through condition, their removal does not in my opinion represent a direct, like-for-like comparison with the appeal proposal as it does not have the same level of harm on the openness of the surrounding area. Thus, the consolidation of all the development on this single site, in the form proposed, would accentuate the overall effect on the openness of the Green Belt, when compared to the existing situation or when taking into account the removal of the hay barn and storage area.
14. Taking all these factors together, I conclude that the proposal would result in a significant loss of openness. Consequently, the proposal would not fall within the exceptions listed in either Paragraph 150(d) or 149(g) of the Framework.
15. Even if I were to consider the extension on its own, under Paragraph 149(c) of the Framework, and even if I were to find it not disproportionate and therefore not inappropriate development in and of itself, that would not make the whole proposal acceptable. This is because the reuse of the existing building and redevelopment of PDL, and all of that which it entails including the extension, would harm the openness of the Green Belt for the reasons I have given.
16. I therefore conclude that the proposal would be inappropriate development in the Green Belt, contrary to Policies DP10 and DP13 of the Local Plan² and the Framework which, amongst other things, seek to restrict inappropriate development in the Green Belt. By definition, inappropriate development would be harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a proposal substantial weight should be given to any harm to the Green Belt.

Character and Appearance

17. The site occupies a position at the junction of Crowhurst Village Road, Crowhurst Lane and Park Road. There are some dwellings visible to the south of the appeal site and some agricultural type buildings to the north, but the area is generally undeveloped and has a verdant, rural character. Generally, Local Plan Policy DP7 and Core Strategy Policies CSP18 and CSP21 seek to preserve the existing character of rural areas.

² Tandridge Local Plan Part 2: Detailed Policies (2014)

18. The site is generally enclosed by existing, mature boundary planting although the two stable buildings and workshop are clearly visible from the site entrance on Crowhurst Village Road. The site can be seen more widely, albeit at a greater distance, from a public footpath to the north west of the site. The existing lawful buildings on site are relatively low key in terms of their appearance and scale. The site as a whole might appear to the casual passer-by as a small holding or some other small scale rural enterprise.
19. I have had regard to the findings of the Landscape Visual Report prepared by Landvision Landscape Architects. I acknowledge that the wider landscape would suffer minimal harm and there could be enhanced boundary planting. Whilst the fencing business would remain on site, there would be significant changes proposed to the stable buildings and the introduction of a garden area which could reasonably be expected to accommodate the normal domestic paraphernalia associated with a dwelling and garden. It therefore seems to me that there would be a clear change to the character of the site from one that is based on rural/countryside activities to one which is predominantly residential.
20. The appellants point to a number of permissions for commercial activities at the site, which are said to also generate a number of car movements each week. However, the horse rehabilitation centre has ceased given the absence of a lawful residential use on the site. I have no evidence to indicate that the resumption of the commercial livery, which it is said by the appellants would be a more intensive use than that proposed, would represent anything more than a theoretical possibility. Indeed, the appellant's statement says it would be an option if the appellants wanted to explore this route, which suggests to me that it is not something they actually intend to do. Accordingly, I give these matters limited weight.
21. I acknowledge that the appellants being able to live on site would reduce the number of vehicle movements they would otherwise undertake commuting to and from the site for the fencing business. However, there would no doubt be other movements associated with the residential use which would take place that would more than outweigh these perceived savings. The appellants suggest that any vehicle movements associated with the dwelling would be far less than the former commercial uses but provide no detailed evidence. Also, for the reasons stated, there is no evidence to suggest that these commercial uses could or would recommence.
22. The appearance of, and the activity on the site would change to one which is distinctly more residential in character. Whilst this will not necessarily be widely seen, it will have an adverse effect on the setting and landscape character of the site and in its immediate environs. I therefore find that the proposal would have an adverse effect on the character and appearance of this area.
23. The proposal would therefore be contrary to Policy DP7 of the Local Plan and Policies CSP18 and CSP21 of the Core Strategy which, amongst other things, seek to conserve and respect the landscape and character of the countryside in which development is located.

Living Conditions

24. The appellants point out that the Council does not have any specific standards relating to minimal internal head heights and has not adopted the Nationally Described Space Standards (NDSS). In direct support of the proposal, the

conversion is said to have an internal head height greater than the average person, which is said to be 1.8m for a male and 1.6m for a female; meet the appellants' personal circumstances; and accord with the relevant Building Control requirements.

25. Having regard to the Planning Practice Guidance³, I can only give limited weight to the NDSS. Nevertheless, it is a material consideration that provides a helpful guide. In relation to head height, it suggests a minimum floor to ceiling height of 2.3m should be met for at least 75% of the gross internal floor area.
26. In this case, the maximum internal head height of the stable buildings would be 2.23m, but only at the highest point of the roof, reducing to 1.87m at the point the roof meets the walls. The proposed extension would for the most part have an internal head height of 1.905m and slightly higher along the central portion. Overall, the appellants indicate the development would have an average head height of 2.05m. Whilst these heights are greater than the quoted average male height, by its very nature the average height implies many males will be taller than 1.8m. Even for the average male, the clearance above head height would be quite small.
27. Although the proposal would meet the appellants' personal circumstances and that of their family, Planning Practice Guidance⁴ advises that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission but there are not sufficient grounds in this case to justify such an approach.
28. Despite the introduction of glazing adding daylight to the accommodation, the extent of the limited internal head heights would result in a somewhat oppressive day-to-day living environment. I accept that where an existing building is being converted, it can on occasions be appropriate to adopt a more flexible approach, especially if it is associated with accommodation in roof spaces. Nevertheless, this does not mean that all guidance should be disregarded entirely or that accommodation which would clearly provide a poor living environment should be permitted. Whilst the proposal may meet the minimum Building Control requirements, the planning system has different and wider responsibilities to ensure that the quality of accommodation provides a good standard for occupants through the lifetime of the development.
29. Taking all these factors into consideration, and notwithstanding the layout or room sizes, I conclude that the proposal would provide unsatisfactory living conditions for future occupants arising from the restricted internal height of the building. Accordingly, the proposal would be contrary to Policy DP7 of the Local Plan which, amongst other things, seeks to ensure new developments provide an acceptable environment for occupants.

Other Considerations

30. In relation to Paragraph 149(c) of the Framework, the appellant has highlighted an appeal at Bluebell Cemetery. However, for the reasons given,

³ Paragraph: 002 Reference ID: 56-002-20160519; Paragraph: 018 Reference ID: 56-018-20150327;
Paragraph: 020 Reference ID: 56-020-20150327

⁴ Paragraph: 015 Reference ID: 21a-015-20140306

even if I were to find the extension not disproportionate, the proposal as a whole would harm the openness of the Green Belt.

31. Reference is also made to a Council decision in relation to a site called Ad Astra, and it is suggested that a similar approach could have been adopted in the current case as regards the issue of openness. Even if I had found in favour of the appellant with regard to Green Belt issues, my conclusions on the effect of the proposed development on the character and appearance of the area and the living conditions of future occupiers would not change and, subsequently and by association, neither would the outcome of the appeal.
32. The appellants point to the high-quality design and finish of the proposed building and use of glazing to make the building inconspicuous and discrete. On this basis it is said that the proposal would accord with the development plan requirements in relation to design. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.
33. An indirect benefit of the proposal is said to be that it would allow the site to be tidied up. However, such matters are within the control of the appellants and are not necessarily dependent upon the proposed development.

Other Matters

34. I have not had further regard in this decision to concerns over how the Council handled the application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.

Conclusion

35. The proposal as a whole would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
36. The weight I give to the considerations cited in support of the proposal is limited, for the reasons I have given. Accordingly, they do not clearly outweigh the harm the development would cause. The very special circumstances necessary to justify the proposal do not therefore exist.
37. The proposed development would be contrary to the Framework and to the development plan which seeks to protect the Green Belt as well as the character and appearance of the area and living conditions of future occupiers. I have considered all other matters raised but none outweigh the conclusions I have reached.
38. The appeal should therefore be dismissed.

Stewart Glassar

INSPECTOR