
Appeal Decision

Site visit made on 15 February 2022 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/M3645/D/21/3282530

Thistledown, Shaw Road, Tatsfield TN16 2BX

- 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 P Whitehead against the decision of Tandridge District Council.
 - The application Ref 2021/681, dated 13 April 2021, was refused by notice dated 17 June 2021.
 - The development proposed is the retention of former chicken shed as ancillary residential accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of former chicken shed as ancillary residential accommodation at Thistledown, Tatsfield TN16 2BX in accordance with the terms of the application, Ref 2021/681, dated 13 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: No.001, No.002, No.003, No.004, No.005 and No.006.

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.

Main Issue

3. 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; and
 - The effect of the proposed development on the character and appearance of the appeal site and the surrounding area.

Reasons for the Recommendation

Whether it is inappropriate development

4. The appeal site, containing a newly constructed detached dwelling along with an outbuilding originally constructed as a chicken shed and now being used as an independent dwelling, is located within the Green Belt. The proposal would

change the use of this outbuilding from an independent dwelling to ancillary residential accommodation to be used in conjunction with the main dwelling, Thistledown.

5. Paragraph 150 of the Framework indicates the re-use of buildings provided that the buildings are of permanent and substantial construction would not be inappropriate in the Green Belt, provided that the development would preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.
6. Policy DP10 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) states that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused, with Policy DP13 of the same Local Plan also listing the re-use of buildings as an exception. Policy DP13 list four provisions relating to the re-use of buildings within the Green Belt. The first, as per the Framework, relates to the preservation of openness and ensuring the proposal does not conflict with the purpose of including the land within the Green Belt. This is therefore consistent with the approach of the Framework.
7. The former chicken shed has previously been granted a certificate of lawfulness¹ for use as an independent dwelling and I saw on my site visit that it was being used as such. The proposal would change the use of the building only, with no physical changes proposed. Therefore, this change of use would not impact the spatial or visual openness of the Green Belt, preserving the current level of openness. As there would be no visual changes to the appeal site, I am satisfied the proposal would not conflict with the purpose of including the land within the Green Belt.
8. The second stipulation states that the building should be of permanent and substantial construction, structurally sound and capable of re-use without major alterations. The Council have requested evidence showing that the building is structurally sound. However, whilst this evidence has not been provided, as it is currently being used and occupied as a dwelling, it would be reasonable to assume that the building is structurally sound and also suitable for use as ancillary residential accommodation. The building is also permanent and proposes no alterations. Therefore, the proposed development meets this stipulation.
9. The third provision requires the proposed use to be wholly or substantially contained within the building identified for re-use. The proposal would achieve this and would fully contain its use as ancillary residential accommodation within the garden and curtilage of the main dwelling, meeting this requirement. The final stipulation is in relation to agricultural buildings and uses and is therefore not relevant to the appeal before me.
10. Therefore, from the evidence placed before me, the development would not represent inappropriate development in the Green Belt as it would fall under the exception listed in paragraph 150 (d) of the Framework and would accord with Policies DP10 and DP13, which collectively seek to protect the Green Belt.

¹ 2013/725 (certificate of lawfulness)

Character and Appearance

11. The proposed development indicates that there would be no external changes to the former chicken shed or the land around it. Therefore, whilst a change of use would occur, this would be for a similar residential use which would not result in a significant change to the character or appearance of the appeal site or the surrounding area.
12. For the reasons above, I conclude that the proposed development would not have a harmful impact on the character and appearance of the appeal site or the surrounding area and would therefore comply with Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) and Policy CSP18 of the Tandridge District Core Strategy (2008). These policies seek to ensure that new development integrates effectively with its surroundings, reflecting and respecting the character, setting and local context.

Other Matters

13. I note the planning history of the site as outlined by both the appellant and the Council, including the previous application² for its redevelopment. However, the proposed development must be assessed as applied for. It has not been demonstrated that the Council have taken enforcement action over alleged breaches of conditions in relation to the consented scheme. Therefore, whilst I accept that the description of the development for the previously consented scheme included '*the demolition of existing dwellings, outbuildings and structures*', I do not find this to be a matter which would fall within the remit of this appeal, but one that would need to be resolved separately to my determination of the development as applied for. I do not therefore give this matter any significant weight in relation to the case before me.

Conditions

14. The Council have suggested a condition requiring the development to use materials matching those of the existing building. However the building is already in place with no changes to the external structure proposed. Therefore, this condition would not be necessary.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR

² 2015/660 (consented scheme)