



Appeal Decision

Site visit made on 20 December 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/M3645/W/22/3294766

3 Marsh Cottages, Nutfield Marsh Road, Nutfield RH1 4ES

- 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 Ray Winder against the decision of Tandridge District Council.
 - The application Ref 2021/1853, dated 22 October 2021, was refused by notice dated 24 January 2022.
 - The development proposed is the use of ancillary outbuilding as an independent unit of accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the use of ancillary outbuilding as an independent unit of accommodation at 3 Marsh Cottages, Nutfield Marsh Road, Nutfield, RH1 4ES in accordance with the terms of the application, Ref 2021/1853, dated 22 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM21269223442918, Revised Dwg. 02, Revised Dwg. 03, Dwg. 06 and un-numbered "Block Plan"
 - 3) No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority to reduce the carbon emissions of the predicted energy use of the development by at least 10%, through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources. The details shall thereafter be carried out as approved and retained for the lifetime of the development.
 - 4) No part of the development hereby permitted shall be occupied until details of the treatment of the hard and soft landscaping including all boundaries have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved within agreed timescales and maintained thereafter.

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2021 (the Framework) and any relevant development plan policies;

- The effect of the development on the character and appearance of the area; and
- The proposed development would provide adequate living conditions for future occupants with particular regard to outlook and external amenity provision; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the development would be inappropriate

3. 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 150 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In this case, the relevant criterion is 150 d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
4. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029, adopted 2014 (TLP) are broadly consistent with the approach of the Framework, with DP13 providing a number of exceptions including the re-use of buildings for residential purposes. The re-use of buildings are not inappropriate providing they preserve openness, are of permanent and substantial construction, contained wholly within the proposed building and not likely to require additional agricultural buildings.
5. There is an existing building on site and the planning history highlights that it has been in situ and used as ancillary accommodation for family members since October 2016, when permission¹ was granted for the conversion of an existing outbuilding. As such, it would be considered as a permanent and substantial construction. Whilst there are minor alterations to the windows and openings, these would be wholly within the existing dwelling. Furthermore, there are no additional agricultural buildings proposed.
6. In terms of the assessment of openness in the Green Belt, there are spatial and visual aspects to be considered. In spatial terms, there are no additions proposed to the existing building. As such, there would be no impact on the openness of the Green Belt spatially.
7. The Council has concerns that the proposal would create an additional access and additional parking associated with a separate residence, thus having an adverse effect on the visual openness. From my site observations, there is an existing access and parking area located on site, with an adjoining turning/parking area outside of the control of the applicant which are already utilised for parking. There are no changes proposed to either of these. Whilst it is acknowledged these are visible from public views, I am not convinced that the change of use from ancillary family to open market residential accommodation would cause any discernible effect on the openness of the Green Belt, over and above that currently experienced. As such, in visual terms

¹ Tandridge Borough Council Planning Ref: 2019/1534

I conclude that the scheme would have no impact on the openness of the Green Belt.

8. The proposal would therefore not be inappropriate development within the Green Belt and there would be no conflict with the Framework or Policies DP10 and DP13 of the TLP.

Character and appearance

9. Given that the appeal site is an existing property located amongst other buildings, and there would be no increase in mass and bulk of the built development, it would not alter the essential form or character of the existing landscape. The overall design of the proposal would preserve the character of the area and would have little impact on the rural nature and would be sensitive to the defining characteristics of the area.
10. The Council are concerned that the scheme would represent a cramped and overdevelopment of the site, and that the domestic paraphernalia would erode the rural and open character. It is acknowledged that the proposal provides a smaller and modest dwelling in comparison to the host property and other units at Marsh Cottages. However, this is in keeping with its original function as an outbuilding/stable. From my site observation, any domestic paraphernalia was limited and not uncommon within an existing residential environment and would not be considered incongruous. As such, the proposal would retain the existing character and appearance of the area.
11. 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 TLP Policy DP7 and Policy CSP18 of the Tandridge District Core Strategy, adopted October 2008 (TCS) which amongst other things seek to ensure that new development integrates effectively with its surroundings, reflecting and respecting the character, setting and local context. The proposal would also comply with the Framework insofar as it requires development to be sympathetic to local character.

Living conditions of potential occupants

12. Given the existing ancillary dwelling at the appeal site, the effect of the proposal on the adjoining properties would be akin to the current arrangement which has previously been found as acceptable with respect to outlook, external amenity, overlooking and privacy.
13. The proposal would provide access to external amenity space at both the front and rear of the property, albeit the rear provision is not included in the red line boundary. While a modest provision, these amenity spaces are commensurate with the existing dwelling and would provide a satisfactory, functional environment for the proposed occupiers. With regard to the use of the shared driveway, this would be a similar arrangement to that existing. The current layout appears to be functional and sufficient to provide an adequate living environment for its occupants. There is no evidence before me that indicates that there would be a significant noise nuisance nor an increased level of traffic as a result of the proposal, given that the number of bedrooms and potential occupants remains unchanged.

14. It is acknowledged that the existing boundary between the host property would be slightly altered as part of the proposal. There is adequate separation distances between these properties and the existing planting between these shared garden boundaries, will be maintained and enhanced. This can be secured by way of a condition and would ensure that the scheme would not cause overlooking or loss of privacy between these properties.
15. Consequently, subject to a condition with regard to landscaping, I conclude that the proposal would not result in harm to the living conditions of any potential occupiers with particular reference to noise, outlook and privacy. The scheme would be compliant with TLP Policy DP7 and TCS Policy CSP18 which amongst other things, are concerned with safeguarding residential amenity. The proposal is also consistent with the advice in the Framework, which amongst other things, seeks a good standard of amenity for all existing and future occupants of buildings.

Conditions

16. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency or clarity and to ensure that they meet the tests in the Framework.
17. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty.
18. I have added a condition to ensure the development reduces carbon emissions through the provision of decentralised and renewable or low-carbon energy sources to achieve sustainability objectives. There is also a need to provide details of soft landscaping in order to protect the character and appearance and amenity of the surrounding area, and I have attached an appropriate condition in this regard.

Conclusion

19. For the reasons set out above, the proposal would accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that the appeal should be allowed.

Robert Naylor

INSPECTOR