



Appeal Decision

Site visit made on 17 April 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2023

Appeal Ref: APP/C3620/W/22/3307799

The Old Post House West, Ockley Road, Forest Green, Surrey RH5 5SG

- 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 Tim Riggins against the decision of Mole Valley District Council.
 - The application Ref MO/2022/1308/CU, dated 26 July 2022, was refused by notice dated 20 September 2022.
 - The development proposed is described as the 'change of use of existing building to holiday let / ancillary guest accommodation.'
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing building to holiday let / ancillary guest accommodation at The Old Post House West, Ockley Road, Forest Green, Surrey RH5 5SG in accordance with the terms of the application, Ref MO/2022/1308/CU, dated 26 July 2022, and the plans submitted with it, 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: PH/13, PH/10 and PH/30
 3. The outbuilding shall be used for tourist accommodation or for ancillary guest accommodation to the main dwelling 'The Old Post House West' and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2005 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification) and specifically shall not be used as a person's main residence or a separate unit of residential accommodation.

Preliminary Matters

2. The description of development is taken from part E of the appeal form and the Council's Decision Notice. This is in the interest of clarity.

Main Issue

3. The main issue is whether the use of the outbuilding as a holiday let/ancillary guest accommodation would provide acceptable living conditions for its occupiers, and that of the host building, having particular regard to privacy.

Reasons

4. The development proposed the use of an existing ancillary outbuilding for a holiday let / ancillary guest accommodation. The existing outbuilding is located to the side of the main property adjacent to its main entrance. It has one window on its end which serves a front seating area and offers direct views of part of the rear garden area. As such there is some general intervisibility between these spaces, partly obscured by present planting.
5. However, I observed that most of the garden area of the property, sited directly behind the house, is not visible from this window. This part of the garden directly behind the house would be mostly unaffected by the use of the accommodation by holiday guests.
6. I do not consider that the living conditions of holiday makers would be adversely affected if they saw someone using the rear garden area behind the outbuilding. For occupiers of the main house, they would have the larger private space directly to the rear and receive the benefits of paying guests which they would have invited to their site. In these circumstances, the occasional view of holiday makers within the outbuilding by occupants of the main house when they were using their rear garden would cause undue harm to the living conditions of the occupants of the host property.
7. Given the proximity of the outbuilding and the main house, holiday guests would pass by the side of the host property to access their accommodation. However, the clear separation between the two buildings and ease of access from the frontage means that holiday guests and the occupants of the main house would be able to come and go independently. The likely level and transitory nature of movements associated with either of the units of accommodation would not cause any unreasonable impact upon privacy to the occupants of the either building.
8. I conclude that the use of the of the existing outbuilding as a holiday let/ancillary guest accommodation would provide acceptable living conditions for the occupiers of the host building and the holiday let, having particular regard to privacy. In these circumstances, the development would comply with Policies ENV22 and REC19 of Mole Valley Local Plan (2000) which, amongst other things, seeks to provide a satisfactory environment for occupiers, and with regards to visitor related development, that the associated activities do not harm the amenities of the locality nor prejudice its future enjoyment.

Other Matters

9. The application site is within the Forest Green Conservation Area (CA) and within an Area of Great Landscape Value close to the boundary of an Area of Outstanding Natural Beauty (AONB).
10. The Council set out in the Officer Report that that the significance of the CA lies with *'its openness, with its feel of a small community in a forest clearing, and where the gaps between the buildings are as important as the buildings themselves.'*
11. Given that the existing outbuilding is in place and given the lack of any external alteration, there would be no impact visually from the proposed development, and it would preserve the character and appearance of the CA, in accordance with Section 72(1) of the Planning (Listed Building and

Conservation Areas) Act 1990. It is noteworthy that the Council found similarly in this regard.

12. Similarly, as the building itself is existing, I am satisfied that there would be no impact upon the Area of Great Landscape Value or the setting of the AONB.
13. I note comments regarding the use of the outbuilding as a garage and its recent construction, in addition to a previous refusal¹ for a similar development on the site. However, I have based my considerations on the proposal before me and what I saw on site. The history of planning applications on the site therefore does not alter my conclusions on the main matter.
14. Concern is also raised regarding a precedent being set. Given the existing building and its specific relationship with the host property, this scheme does not set a harmful precedent for development elsewhere in the vicinity.

Conditions

15. A list of suggested conditions has been provided that the Council which the appellant is agreeable to. I have considered these in light of the PPG and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
16. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
17. A condition is necessary to control the use of the outbuilding, specifying its use as holiday accommodation. This is required to accord with the terms of the application, to reflect the constrained nature of the space available and to meet the policies of the development plan.
18. Given my findings above, a landscaping condition is not necessary.

Conclusion

19. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR

¹ Application reference MO/2021/1827