



Appeal Decision

Site visit made on 28 March 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/M3645/W/22/3296968

Branford Wells, Brickhouse Lane, Newchapel, RH7 6HY

- 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 Central Central Projects Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2021/1967, dated 5 November 2021, was refused by notice dated 25 February 2022.
 - The development proposed is a full planning application for the change of use of agricultural buildings to 5no. dwellings, with associated carport and landscaping and part demolition of lean-to elements (revision to approved scheme 2021/1218).
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Central Central Projects Ltd against Tandridge District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies and the effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the surrounding area with particular regard to the setting of the nearby Grade II listed building;
 - Whether the proposal would provide appropriate living conditions for future occupiers with specific regard to outlook and amenity space;
 - Whether the proposal would achieve the required on-site reduction in CO₂ emissions through the use of renewable energy;
 - Whether there is appropriate provision for parking for the proposed development; and
 - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. 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 highlights that some changes of use are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes criterion d) for the re-use of buildings provided that the buildings are of permanent and substantial construction.
5. 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, however in determining what constitutes a 'disproportionate addition' the justification text¹ of TLP Policy DP13, states that in the context of a building extension or alteration, the Council will adopt a pragmatic approach. The policy further states that each proposal would be assessed on its own merits, taking into account the size of the original building, the bulk, height, mass and prominence of the extension, and the impact of the proposal on the openness of the Green Belt.
6. The proposal subject to this appeal seeks to convert existing agricultural buildings into 5 dwellinghouses. The appellant has submitted a structural report² with the application which concluded that the loadbearing elements of the existing structure could be satisfactory converted into habitable rooms. Nevertheless, the proposed scheme would provide for internal and external alterations to the fabric of the existing structure. The incorporation of mezzanine floors would provide additional floorspace, however this would be within the envelope of the existing structure and would not increase the overall bulk, height, mass or size of the original structure. Thus, in my view, it would be considered an alteration rather than an extension to the building.
7. The proposal also seeks to demolish some of the existing structures, with buildings 3 and 5 being removed and part of building 6 being demolished as labelled on the accompanying plans. From the information before me, the existing development would provide an overall footprint of 1,139.31m² with a volume calculation of 5,247.29m³. The demolition of buildings 3 and 5 and partial demolition of building 6 would result in an overall decrease in the footprint and volume at the site of approximately 245.34m² (21.5%) and 973.15m³ (18%) respectively.
8. Given the demolition proposed, the resulting scheme would therefore be smaller than the existing structure and could not reasonably be construed as an extension. Consequently, in applying the pragmatic approach and judging the proposal on its individual merits in accordance with the Council policy, the alterations would be subordinate to the size of the original building and there is no substantive or compelling evidence to demonstrate that it would result in any disproportionate additions. As such, I consider that this is the type of development that the pragmatic approach is seeking to promote.
9. I now turn to paragraph 150 d) of the Framework in respect to the re-use of buildings and material changes in the use of land. The appeal site occupies a

¹ Paragraph 13.3 of the Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029, adopted 2014

² Prepared by David Partridge Ref: 21/23 dated 22 January 2021

relatively remote location and is set back from Brickhouse Lane, restricting its prominence from public vantage points. The site is accessed via a hard surface accessway, and despite the prevalence of hardstanding and agricultural buildings has a green and open characteristic, making a significant contribution to the openness of the Green Belt.

10. Openness can have both spatial and visual aspects. From the evidence before me, in spatial terms the proposal would result in a reduction in the overall volume and footprint compared to the existing buildings. However, the proposal would subdivide the plot, providing residential curtilages with an inevitable pressure for associated domestic car parking and traffic, fences, outbuildings, garden furniture and other domestic paraphernalia associated with its use, resulting in a loss of spatial openness. In visual terms, given the set back from the road, limited public vantage points and location in an area amongst existing agricultural and residential buildings, there would again be a modest impact on the Green Belt sufficient to mean the openness of the Green Belt would not be preserved.
11. While the proposal would be development within the countryside it would be contained within the existing hardstanding and buildings. There would therefore be no unacceptable encroachment on the countryside. Furthermore, I am satisfied that the proposal would not conflict with the other purposes of including land within the Green Belt.
12. Nevertheless, I find there would be modest impact on both the visual and spatial dimensions of the openness of the Green Belt, and as such there would be a harm. I therefore find that the proposal would be inappropriate development. Consequently, the proposal would conflict with the relevant sections of Policies DP10 and DP13 of the TLP and paragraph 150 of the Framework.

Character and appearance

13. The appeal site is located in an existing agricultural setting, albeit that there are existing residential properties located in the immediate vicinity, including Branford Wells, a Grade II listed building. As such, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
14. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
15. Branford Wells is a 16th century farmhouse which has been sympathetically extended in the 20th century. The historic and architectural significance is derived from its status as a farmhouse within the surrounding rural countryside, including the appeal site, which is an important part of the setting of the listed building contributing to its significance.

16. The proposal seeks to re-use the existing agricultural buildings, which are grouped together in contrast with the much less developed open spaces that surround the area. The proposed scheme would provide a small terrace of five properties with a domestic scale and feel, albeit with a more modern appearance and materiality. The subdivision of the site to create private curtilages would create a predominantly linear pattern of residential development. This arrangement coupled with the provision of the garages to the south of the site would result in an increase in parked cars, traffic movements and comings and goings associated with a residential use, which would lead to an urbanisation of the appeal site. This would be in contrast with the existing dwellings and in particular Branford Wells which are set within larger rural plots. In this context the design would not be sympathetic and would cause harm to the rural character of the area, which also forms the setting of the listed building. Hence the proposal would materially erode that rural setting harming the significance of the listed building.
17. For the above reasons, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area and would fail to preserve or enhance the setting of the Grade II listed building. As such, it would conflict with the principles of TLP Policies DP7 and DP20 and Policies CSP18 and CSP21 of the Tandridge District Core Strategy, adopted October 2008 (TCS) which amongst other things, require all new development to be of high-quality design, responding to and respecting the character, setting and local context including landscapes and countryside, and conserving or enhancing the significance of designated heritage assets. The proposal would also not comply with the Framework insofar as it requires development to be sympathetic to local character and seeks to conserve and enhance the historic environment.

Living conditions of future occupiers

18. The plans before me indicate that all the units would be provided with external private open space to the front and rear of the dwellings. There are no minimum requirements for amenity space set out within the local plan. However, TLP Policy DP7, amongst other things seeks new development to be of a high-quality design and provide amenity and garden areas proportionate to the size of the residential units and appropriate for the intended occupiers.
19. Given the scheme would provide 2 x 3-bedroom and 3 x 4-bedroom units, these are likely to be used by families. The only private area (which is to the rear of the units) would be modest, albeit that tables and chairs could be accommodated here. However, given its limited area there would be little room in addition for children to play or to store equipment. The proposed front amenity space, whilst more generous, would be located amongst the proposed access route and car parking areas and would provide an unsuitable and unattractive amenity area for potential occupants. I do not consider the accommodation accords with TDP Policy DP7 and could not reasonably be regarded as a high-quality living environment.
20. The Council are also concerned that there would be a poor outlook from several bedrooms in each unit of the proposal, given that these would be served by rooflights only. However, it is clear from the sectional drawings that the rooflights would provide daylight into the bedrooms as well as a sill height which provides an outlook across the surrounding fields. Occupants of the

bedrooms would not feel hemmed in and the living conditions would be within acceptable limits.

21. Notwithstanding the adequate outlook provision, the living conditions of future occupiers would be unacceptable due to inadequate amenity space. As such, the proposal would fail to comply with TDP Policy DP7 which among other things, seeks to achieve high quality housing. It would also be contrary to the aspirations of the Framework to deliver high quality design and a good standard of amenity for all existing and future occupants of buildings.

Renewable energy

22. The appellant's have submitted an Energy Statement³ (ES) as part of the appeal, which states that the appeal proposal will be designed to be a minimum of 25% more efficient than the current Building Regulations require, with the potential to achieve the equivalent of level 3 of the Code for Sustainable Homes. The ES further highlights that the scheme could employ renewable energy sources through the imposition of air source heat pumps. The scheme could also utilise rainwater harvesting techniques and could provide an electric vehicle charging point for each dwelling to improve the sustainability.
23. The Council has not submitted any evidence to counter the findings of the ES, and what has been submitted by the appellant demonstrates that the proposal has the potential to achieve the minimum 10% saving in CO₂ emissions through the incorporation of on-site renewable energy technologies. Whilst it is acknowledged the appellant did not submit the ES with the proposal, the effective management of renewable energy and sustainability measures could (based on the submission) be secured by the imposition of a condition if the proposal were otherwise acceptable. Consequently, I conclude that subject to conditions the proposal could assist in reducing the causes of climate change through sustainable measures proposed in the ES. It would therefore accord with TCS Policy CSP14 which amongst other things seeks to reduce CO₂ emissions.

Parking

24. The approach of the Tandridge Parking Standards Supplementary Planning Document (SPD) adopted September 2012 is that residential development is required to meet maximum car parking standards. The SPD highlights that 3-bedroom units are required to provide 2 spaces per dwelling, with 4-bedroom units required to provide 3 spaces per dwelling. There is further requirement for an additional unallocated 'legible space' to be provided for visitors per 4 dwellings, with partial requirements to be rounded up. Given the proposal is for 2 x 3-bedroom units and 3 x 4-bedroom units the residential parking requirement would be 15 spaces. The current proposal provides 13 car parking spaces at the site, an under provision of 2 spaces.
25. The County Highway Authority consider that this site is suitably located and has raised no objections to the scheme on either parking provision or highway safety matters. From my site observations and the plans before me, there is sufficient space available within the plot for the provision of 2 additional visitor car parking spaces.

³ Energy Statement prepared by SFP Planning dated April 2022

26. Consequently, the proposal would include sufficient on-site parking provision to serve the development. It would, therefore, accord with Policy CSP12 of the TCS and Policies DP5 and DP7 of the TLP which, amongst other things, seek to provide off-street parking to serve the proposal and to ensure that proposals do not unnecessarily impede the free flow of traffic, nor result in additional on-street parking which would cause congestion or impact on highways safety.

Other considerations

27. My attention is drawn to a potential fallback position, with a Prior Approval application⁴ and Certificate of Lawfulness⁵ issued at the site, for the conversion of the building to form five residential units. As such there is a real prospect that this development could take place.
28. The fallback position also consists of five dwellings, however these units do not include mezzanine floors. The fallback scheme whilst comparable in terms of scale, size and mass, would provide smaller units consisting of 2 x 2-bedroom and 3 x 3-bedroom units. I have found the appeal proposal would have a modest effect on the openness of the Green Belt in both visual and spatial terms. However, the provision of the smaller units, in my view, would provide even less of an impact on the openness of the Green Belt than the proposal, given that there would be a reduction in domestic paraphernalia and in particular a reduced level of car parking. I appreciate a mezzanine could be inserted at a later date, however there is no conclusive evidence before me to suggest that this would definitely happen.
29. In my view, the fallback scheme would cause less harm to the Green Belt and surrounding area than the appeal scheme. Whilst this is a realistic fallback position, for the reasons above I apportion this limited weight.

Heritage and Planning balance

30. I consider the harm to the significance of the heritage asset would be less than substantial. While both parties have sought to quantify the scale of level of harm on a sliding scale, I am mindful that less than substantial harm does not equate to a less than substantial planning objection and that any such harm is to be given considerable importance and weight. Paragraph 202 of the Framework advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
31. The Council is currently unable to demonstrate a five-year housing land supply. In that context the proposal would provide a modest contribution to the supply of housing as well as housing choice in Tandridge. The proposal would result in some small social and economic benefits, including the support future occupiers would give to local businesses and services. Furthermore, it would promote the reuse of an existing vacant building and would make modest improvements to the building including improved accessibility. The proposal also benefits from eco-friendly enhancements, sufficiently sized units within a relatively accessible location. To these benefits I apportion modest weight given the limited scale and nature of the proposed development. However, the appeal scheme would fail to preserve the setting of the heritage asset, to which I must attach

⁴ Tandridge District Council Planning Ref: 2021/353/NC

⁵ Tandridge District Council Planning Ref: 2021/1218

importance and great weight. Accordingly, the public benefits would not outweigh the less than substantial harm that would be caused to the significance of the heritage asset identified above.

32. The proposal would constitute inappropriate development in the terms set out by the Framework and would result in harm to the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. In addition, I have also found harm to the character and appearance of the area, the setting of the listed building, which is not outweighed by public benefits, and living conditions of potential occupiers.
33. Overall, for the reasons set out above I find that the other considerations in this case do not clearly outweigh the harm that I have identified to the Green Belt and other harms. Consequently, the very special circumstances necessary to justify the development do not exist.
34. The development is therefore contrary to the above cited policies of both the development plan and the Framework and consequently the development plan as a whole. I understand that the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites and therefore the policies most important for determining the application are considered to be out-of-date. However, as I have found harm to the Green Belt, paragraph 11.d) i. of the Framework applies and, therefore, the application of policies in relation to the protection of the Green Belt provide a clear reason for refusing the development.

Conclusion

35. Having considered all other matters raised, there are no material considerations in this case that indicate a decision other than in accordance with the development plan and the Framework. I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR