



Appeal Decision

Site visit made on 18 July 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/M3645/W/22/3309224

Hut 1, Harestone Drive, Caterham, Surrey CR3 6YQ

- 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 David Patterson (Orange & Red Ltd) against the decision of Tandridge District Council.
 - The application Ref TA/2022/98, dated 20 January 2022, was refused by notice dated 5 August 2022.
 - The development proposed is the erection of two detached 2 storey dwelling houses, with attached garages, associated parking and landscaping, accessed from a newly formed cul-de-sac extended north west from Planning Appeal Ref. APP/M3645/W/20/3256724.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's company name, Orange & Red Ltd, is taken from the Application Form. On the Appeal Form it was listed as '*Red & Black,*' but it has been confirmed in correspondence with the appellant that the correct name is '*Orange & Red Ltd.*'

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would lead to the loss of a site that has the potential to be used as open space or as a community facility; and
 - whether the proposed development would result in appropriate parking provision for the residents of the Woodland Court Development.

Reasons

Character and appearance

4. The appeal site is currently surrounded by a tall fence and accommodates a large section of hardstanding. It is being used as an area to store construction equipment. Notwithstanding, within the application documentation the appellant has explained it has been laid to grass and forms part of the gardens for Woodland Court, a neighbouring apartment block. Interested parties have also highlighted as part of planning permission, Ref. TA/2014/384, that the appeal site has been identified as part of the garden area of Woodland Court and there is no substantive evidence to dispute this.
5. The existing garden area for Woodland Court is separated from the appeal site by a retaining wall, timber fence and a tall hedge. The appellant applied for retrospective planning permission, Ref. 2018/1580, to retain this boundary but this was refused. Based on the evidence, this decision was not appealed. The delegated report identifies that the Council were considering whether to undertake enforcement proceedings and I have not received an update on this position. Therefore, it is not immediately obvious whether the appeal site will remain separated from Woodland Court.
6. Woodland Court has been converted into residential apartments; elsewhere, Harestone Drive has been comprehensively redeveloped to accommodate dwellings of varying design. The appeal site also adjoins properties on Harestone Valley Road, Loxwood Close and Priory Mews, these properties are often detached properties sited within plots of varying size. However, these plots are generally large and accommodate large trees and mature vegetation, grass verges are also present next to some of the roads.
7. Whilst the layouts of the residential areas in proximity of the site are diverse, the identified characteristics combine to create a distinctly verdant and sylvan character. Given the prevalence of detached houses, this provides a suburban setting for the appeal site.
8. The Urban Design Concept Statement (UDCS)¹, March 2010, identifies that the Woodland Court building dates to 1879. Whilst the building has been altered, it still includes intricate, external detailing. The appeal site forms part of a lower plateau within a wider site known as 'Site of the former Marie Curie Hospice.' The UDCS identifies that this area forms part of the garden, which provides an appropriate setting for a building of character, which is one of the few remaining in the area that has retained both the grounds and the building itself. The UDCS also indicates that the building and the space surrounding it contributes significantly to the character of the immediate neighbourhood.
9. The appeal site is located within the 'Valley and Eastern Valley Slopes' character area as defined in the Harestone Valley Design Guidance SPD (HVDG)², March 2011. The HVDG identifies two sub areas within this area, development which runs along the main road and culs-de-sac infill development. It also explains that due to its location in the lower part of the valley this area is less prominent in wider views.

¹ Site of the former Marie Curie Hospice, Harestone Drive, Caterham, Urban Design Concept Statement, Adopted March 2010

² Harestone Valley Design Guidance, Tandridge District Council, Supplementary Planning Document, 3rd March 2011

10. Although the proposed dwellings would reflect the design, including the materials, of some of the neighbouring properties, it would introduce permanent built development into the immediate setting of Woodland Court. The comprehensive redevelopment of an area previously identified as the garden of Woodland Court would detract from the building of character. It would be at odds with the verdant setting which provides a visual transition to the surrounding development.
11. A denser development of detached houses sited around a cul-de-sac is similar in appearance to neighbouring development. Likewise, the height, scale, design, proposed materials and spacing of the proposed dwellings would reflect neighbouring properties. However, in this instance, it would lead to the loss of garden land that provides an important setting to Woodland Court, which would mean the appeal proposal is not in accordance with the guidance within UDCS. This would also lead to Woodland Court being sited within a small plot for a development of its size, in a back land location rather than being sited on the main road, like other apartment blocks. The reduction in its grounds would make Woodland Court appear incongruous when viewed alongside neighbouring development.
12. The appellant contends that previous planning permissions establish the principle of residential development on the site. Nevertheless, I have not been provided with the most pertinent details of those permissions or confirmation on whether those permissions have been implemented. The appellant also contends that the allowed appeal³ for 7 houses on neighbouring land sets the principle for development on the appeal site. However, the inspector identified the difference in character between the two sites and that the UDCS advocated the widest possible retention of the gardens on the site. For these reasons, the permitted development does not establish the principle of residential development on the appeal site, and, in any event, each proposal is assessed on its own planning merit.
13. Whilst the HVDG acknowledges that this location is not prominent in wider views, given the size of Woodland Court the appeal site contributes significantly to the immediate area as the transition between Woodland Court and the surrounding development.
14. It is acknowledged that the guidance contained within the UDCS and HVDG is over a decade old and predates the National Planning Policy Framework (the Framework). The guidance is still consistent with policies contained within the Framework in relation to design. Nonetheless, consideration is given to section 11 of the Framework and in particular paragraphs 119, 120 and 124 which indicate that planning decision should promote the effective use of land in meeting the need for homes; promote the development of under-utilised land and buildings; and support development that makes efficient use of land taking into account the importance of securing well-designed, attractive and healthy places.
15. The proposed development would make a more effective use of the land; however, for the reasons given above it would not secure a well-designed or attractive place. Therefore, the appeal proposal is not in accordance with section 11 of the Framework when read as a whole.

³ APP/M3645/W/20/3256724

16. The proposed development would have a harmful effect on the character and appearance of the area. It would therefore be contrary to Policy CSP18 of the Tandridge District Core Strategy (CS), October 2008, Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, July 2014, and Policy CCW1 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2018 to 2033, June 2021.
17. These policies indicate that the Council will require new development in built up areas to respect the character, setting and local context; planning permission will be granted, where proposals are in accordance with other policies, when the proposal provides appropriate facilities including amenity and garden areas; and residential proposals will be supported as identified in figure 4.1 of the neighbourhood plan. The proposed development would also be contrary to the guidance contained within the UDCS for the reasons given above.
18. Paragraph 126 of the Framework indicates that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve. The proposed development would lead to the loss of open land that makes an important contribution to the character of the area. Given the Framework indicates that the creation of high quality places is fundamental to what the planning process should achieve, I ascribe significant weight to the harm caused by the proposed development to the character and appearance of the area.

Community facility

19. There is no compelling evidence that the appeal site forms part or would form part of an open space or community resource. Interested parties have highlighted that under previous planning permission, Ref. TA/2014/384, that it should be used as an external amenity space associated with Woodland Court. The appellant highlights the appeal site has been fenced off and has never been used by residents of Woodland Court but has indicated within appeal documentation that the site has been laid to grass and forms part of the gardens for Woodland Court.
20. The appeal site is currently used for storing construction equipment and could be used as external amenity space associated with Woodland Court. No proposed mechanism to secure the site as an open space or community facility has been put before me.
21. Accordingly, the proposed development would not lead to the loss of a site that has the potential to be used as open space or as a community facility. It would therefore not be contrary to CS Policy CSP 13 which indicates that existing open space and community facilities will be safeguarded.

Vehicle parking

22. I have not been provided with a plan showing the agreed car parking provision for Woodland Court. The Council contend that 36 vehicle parking spaces should have been provided as part of the development permitted under planning permission Ref. TA/2014/384. However, during their visit prior to the planning committee, they observed only 24 spaces. During my site visit I observed 36 vehicle spaces, some of which appear to have been provided as part of the construction of 7 dwellings on the site adjacent to the appeal site, which was under construction during the Council's visit.

23. I have not been provided with compelling evidence that would indicate that the construction of the proposed development would lead to the loss of car parking associated with Woodland Court. For the reasons given above, I cannot conclude that the proposed development would result in inappropriate parking provision for the residents of Woodland Court.
24. The proposed development would therefore comply with Tandridge Parking Standards SPD, September 2012, which indicates that Surrey County Council will only object to proposals where it would lead to danger on the adjoining highway and the maximum number of spaces for dwellings with up to 6 residents living as a single household where care is provided, and residential institutions will be based on individual assessment or justification.

Other Matters

25. I acknowledge that the committee decision was different to the officer's recommendation. I also sympathise with the appellant in respect of the delays that have been experienced in the determination of the application, and I have had regard to paragraphs 38 and 47 of the Framework. However, the determination of a planning application at planning committee is a normal and legitimate procedure and members are not bound to follow the recommendation of their officers. The conduct of the Council, including the handling of applications, are not matters that affect my findings on the main issues. The matters raised and reason for refusal before me boil down to matters of planning judgement. The reasons given are clearly relevant to the application and the Council's planning policies. Consequently, those matters do not lead me to an alternative conclusion on the main issues.

Planning Balance

26. Benefits associated with the scheme are the appeal site being an accessible location for residential development; the efficient use of land; the provision of two houses; the protection and where possible enhancement of existing vegetation; the installation of photovoltaic panels and the resultant reduction in carbon emissions; the dwellings achieving a water efficient standard of 110 litres per person; the installation of fabric insulation which is more efficient than the minimum required by building regulations; the provision of cycle spaces; and a community infrastructure levy payment. In this instance, given the modest scale of development, I ascribe moderate weight to the benefits.
27. The appeal site being in Flood Zone 1, not being subject to any restrictive designations relating to heritage assets; the proposed development providing appropriate parking provision and turning facilities for vehicles; as well as no effect on the living conditions of neighbouring residents are all neutral factors.
28. There are no policies in the development plan that positively favour development which is harmful to the character and appearance of the area. As the appeal scheme is contrary to the policies listed above, there would be a conflict with the development plan when considered as a whole.
29. It is acknowledged by both parties that the Council cannot demonstrate a five year housing land supply of deliverable housing sites and that they have underperformed in relation to the Housing Delivery Test. Accordingly, the presumption in favour of sustainable development identified at paragraph 11 of the Framework is engaged.

30. Paragraph 69 of the Framework indicates that small and medium sites can make an important contribution to meeting the housing requirement of an area. There would also be economic benefits associated with the construction of the development and an increase in population to support the vitality of services, as supported by paragraph 86. Paragraphs 119 and 120 promote the effective use of underutilised land to meet the need for houses. Paragraph 130 requires planning decisions to ensure that developments create places that are accessible, the appeal site is in a location which is easily accessible by public transport and by walking or cycling. Nevertheless, these benefits can only be afforded moderate weight given the modest scale of development.
31. Paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Furthermore, paragraph 130 requires planning decisions to ensure that proposals are sympathetic to the local character.
32. The proposal would be contrary to paragraphs 126 and 130 of the Framework. Given the harm caused to the character and appearance of the area and the importance the Framework places on achieving beautiful places, I ascribe significant weight to the harm caused by the proposed development.
33. Paragraph 11 of the Framework advises that decisions should apply a presumption in favour of sustainable development; for decision-taking this means where the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.
34. In this instance the harm that would be caused would significantly and demonstrably outweigh the benefits of the appeal scheme. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

35. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
36. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR