



Appeal Decision

Site visit made on 14 November 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2023

Appeal Ref: APP/M3645/W/23/3319683

Hillview Farm, Grants Lane, Limpsfield, Surrey RH8 0RH

- 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 E Bance of Asprey Homes Southern Ltd against the decision of Tandridge District Council.
- The application Ref TA/2022/762, dated 27 May 2022, was refused by notice dated 24 February 2023.
- The development proposed is the demolition of buildings in storage and light industrial uses (use classes B2 and B8) and erection of two x 3 bed dwellings with study/office and one x 4 bed dwelling with separate office, together with detached double garages and new internal access road (Amended proposal).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form, albeit that the reference to Surrey has been made after Limpsfield rather than preceding as shown on the application form.

Main Issue

3. The appeal site is in the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) confirms that the Government attaches great importance to Green Belts. The identified fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Council and the appellant agree that the proposal would not compromise the openness of the Green Belt and would not result in an encroachment on the countryside. Based on the plans before me and my observations on site I see no reason to take a different view. Accordingly, the proposal is not inappropriate development in the Green Belt and does not conflict with the guidance set down in the Framework on this matter.
4. Therefore, the main issue is the effect of the proposed development on the supply of employment sites.

Reasons

5. The existing site has a linear pattern with two single storey former agricultural buildings located in close proximity to one another with associated parking at the rear. The buildings are utilitarian in appearance and have limited facilities. The appellant highlights that the appeal site has been subdivided internally into several independent units which are currently used for the repair of vehicles

- and general storage uses. The proposal seeks to redevelop the site to provide 3 residential dwellings which would result in a loss of employment land.
6. The Tandridge Local Plan sets out the policy approach to considering proposals that involve commercial uses, which include Policy CSP22 of the Tandridge District Core Strategy, adopted October 2008 (TCS) and Policy DP4 of the Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029, adopted 2014 (TLP).
 7. TLP Policy DP4 refers to the alternative use of existing commercial and industrial sites being permitted only where it can be demonstrated that the site is unsuitably located, or, that the current business is no longer viable which should be demonstrated through a marketing exercise. Given that the appeal site is not within either a Category 1 or 2 site, a minimum of 6 months marketing is required.
 8. The appellant has supplied updated independent viability assessments¹ which highlight that the units are unviable for new letting potential as the buildings are not in good condition and are unlikely to be suitable for a wide range of commercial activities without significant investment. They further highlight the sites constrained nature, poor access and lack of transport network links which make the site unsuitable for heavy goods vehicles (HGV) and any consequent redevelopment of the site as a small business park. I accept that the use of the site for commercial purposes is constrained to some extent by the narrow access routes in particular in terms of access for HGVs.
 9. However, whilst new investment may be limited and routes and access are likely to be unsuitable for HGVs, that in itself does not demonstrate that the site is unsuitable for employment purposes, such as those which currently take place on the site. There is no substantive evidence before me to show that there is a need for HGVs to currently visit the site, and the continued occupation of the buildings for the existing business purposes indicates that the site currently remains commercially viable for smaller businesses despite the access constraints and HGV limitations.
 10. Furthermore, I have not been provided with any substantive evidence in respect to any environmental health complaints from neighbouring residents in relation to the existing commercial operations on the site. This would indicate that the existing businesses do not typically generate high levels of noise and disturbance. Nor have I been supplied with substantive information in respect to restrictive conditions limiting the use of the site for commercial facilities. In any event the current occupation of the buildings highlights commercial uses are still able to operate within any such restrictions. As such, I find that the site is not unsuitably located.
 11. In respect to the viability of the site, the updated marketing report highlights that the site was marketed in excess of 7 months, receiving 22 enquiries with 12 viewings. This secured 2 short term licences for the storage of vehicles, which I observed on site. Whilst the short term lets were only secured through discounted rates, this does provide evidence that the modest range of marketing for alternative uses undertaken by the appellant was successful to

¹ Letter dated 02/02/2021 from Caretaker Estates (updated 27/09/2023) and email dated 14/10/2021 from Robinsons Commercial Property Agents

an extent. Whilst the report highlights potential occupiers were deterred by the poor facilities and remote location, the existing operations and securement of short term lets indicates that there is limited demand for these units despite their functional and basic nature. The site therefore provides a modest contribution to the supply of employment land in the district.

12. The Council draw my attention to a previous Inspectors decision² at the site, who found there was insufficient evidence to demonstrate that the appeal site is unsuitably located or no longer viable for commercial use or a mixed use development scheme. Whilst I have limited details in respect to the viability information supplied with this appeal, given that the site is still commercially operating 5 years after this decision, this lends credence to its viability as a use for employment, albeit limited. In this respect my findings are consistent with the previous Inspectors decision at the site.
13. For the above reasons, I conclude that the proposal would result in the unacceptable loss of a site which could be used for employment purposes. It would be contrary to TLP Policy DP4, which seeks to support the locally based economy.

Planning Balance and Conclusion

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
15. It is common ground that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Consequently, as set out in Footnote 8 of the Framework, Paragraph 11 d) ii. should be applied. This directs that the relevant development plan policies which are most important for determining the application should be considered out-of-date, and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. Paragraph 85 of the Framework requires, among other objectives, sites to meet local business and community needs in rural areas. The proposed development would fail to meet these objectives as it would result in a loss of employment land and would conflict with the economic objective at paragraph 8 a) of the Framework and this conflict carries significant weight.
17. Nevertheless, the Framework highlights the Government's objective to significantly boost the supply of housing. I note the benefits identified by the appellant in providing 3 new dwellings towards the Council's housing stock and given the small site, these could be brought forward relatively quickly. The proposal would also provide benefits such as employment opportunities during the construction phase, although this would be balanced by the loss of the long term employment use of the site. There would also be benefits from future residents accessing and supporting local services, albeit from a remote location. Whilst I recognise these benefits, given its small scale, the proposed development would make only a modest contribution to the Councils housing

² PINS Ref: APP/M3645/W/18/3194766

undersupply, and accordingly I attach only limited weight to the benefits it would provide.

18. Given my findings, the adverse impacts of allowing this appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this case.
19. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

Robert Naylor

INSPECTOR