



Appeal Decision

Site visit made on 10 January 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2024

Appeal Ref: APP/M3645/W/23/3324729

Land adjacent to Shaw Road, Tatsfield

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nick Gregory against Tandridge District Council.
 - The application Ref 2022/1336, is dated 5 September 2022.
 - The development proposed is erection of 1x detached dwelling as limited infilling within a village.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1x detached dwelling as limited infilling within a village at Land adjacent to Shaw Road, Tatsfield in accordance with the terms of the application Ref 2022/1336, dated, 5 September 2022, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Nick Gregory against Tandridge District Council. That application is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. Chapter 12 of the Revised Framework included updates and seeks to achieve 'well-designed and beautiful places'. Both main parties have had the opportunity to comment on the amendment to the Framework and I have considered the appeal on this basis.
4. The previous appeal¹ ('Shaw Road appeal') for the erection of a detached dwelling in a similar position within the appeal site confirmed that the proposal would amount to limited infilling within a village. The main parties agree that the development would not be inappropriate development within the Green Belt. From the submitted evidence and my observations on site I have no reason to disagree with this conclusion and I have determined the appeal on this basis.
5. Since the previous appeal decision, another appeal² ('Thistledown appeal') at the adjoining site to the rear, Thistledown, has been allowed. This related to the retention of a building known as the chicken shed, to be used as a

¹ APP/M3645/W/20/3256736

² APP/M3645/D/21/3282530

residential annexe. The building was to be demolished as part of an earlier planning permission³, however as the Thistledown appeal was allowed the building is now retained on site.

6. In determining the Shaw Road appeal, the Inspector recognised that the previous planning permission which was granted for the replacement of Thistledown and the construction of Thistle Cottage was permitted on the basis that there would be an overall reduction in both the footprint and volume of built development across the whole of Thistledown's grounds through the demolition of pre-existing buildings on site. However, following the Thistledown appeal and subsequent retention of the chicken shed, the reduction in built development across Thistledown's grounds has not been as significant as envisaged. Whilst not creating a significant change to the character of the area, the retention of the building in use as a residential annexe does increase the appearance of built form surrounding the appeal site.

Main Issue

7. Although the appeal is against non-determination, the Council has given the reasons why planning permission would have been refused had the application still been within its remit to determine.
8. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

9. The area to the north of Shaw Road is characterised by dwellings that follow a loose and informal layout. Dwellings are detached and occupy reasonably spacious plots, which are of varying size, commensurate with their location at a transition between the more ordered, developed streets of Greenway and Westmore Road to the south and the generally open countryside to the north of Shaw Road. Whilst dwellings are visible from public views on Shaw Road, the street scene is green and rural in character, marked by mature vegetation on the front boundaries of some properties.
10. Since the previous appeal, cumulative alterations to the two neighbouring plots⁴ have occurred through the grant of two planning permissions, resulting in a subtle urbanising change to the character of the area.
11. Plot sizes on this side of Shaw Road are not consistent, as is often found within a less ordered fringe area that transitions from the settlement into a rural landscape beyond. Whilst the appeal plot is narrower than those of adjoining properties and the proposal would undoubtedly introduce built form within an area where currently there is none, the dwelling's modest proportions combined with its angled, informal positioning within the plot would ensure that a sense of spaciousness would be maintained.
12. In particular, when viewed from Shaw Road, the proposal's angled layout and the narrow profile of the building would open up the space between the dwelling and the boundaries. When compared to the positioning of the adjoining dwelling at Peach Cottage, it would not be located uncharacteristically

³ TA/2015/660

⁴ Ref: APP/M3645/D/21/3282530; TA/2015/660; TA/2022/171

close to the site's boundaries. Overall, the dwelling would sit comfortably within the local landscape and would not appear as a dominant form of development.

13. Whilst there is not a strong building line on this side of Shaw Road, the proposal would not project noticeably forward of any buildings. Overall, the proposal would maintain the loose, informal pattern of dwellings on this stretch of the road.
14. The front driveway would be small and contained within one half of the plot. Furthermore, the site's boundary with Shaw Road has mature trees and planting along its length which would significantly screen views of the proposal's built form. A landscaping condition which requires details of planting, including additional planting along the site boundaries and which requires the replacement, within the next planting season, of any vegetation which dies or becomes damaged or diseased could be secured. This would provide additional screening of the development in the long-term which would prevent the proposal's side elevations from being prominent features.
15. The design of the dwelling would not be out of keeping with the design of surrounding properties. The proposed external materials and fenestration would be consistent with, and therefore reinforce, the character and appearance of this particular street scene and the wider area.
16. For these reasons, the appeal proposal would not harm the character and appearance of the area with particular regard to its plot size, spacing around the building and the siting, form and orientation of the proposal.
17. Accordingly, I find no conflict with Policy CSP 18 of the Tandridge District Core Strategy (2008) and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies (2014). Taken together, these seek amongst other things, high quality design which integrates effectively with its surroundings, reflecting local distinctiveness and landscape character.

Other Matters

18. Surrey Wildlife Trust have suggested that the site should be surveyed by a suitably qualified ecologist to determine the status of any legally protected habitat or species which could be impacted by the proposal. However, the Council state that the site has been cleared and, as such, there is little chance that the development proposal would result in the loss of or damage to protected species. My observations on site confirm that the site has been cleared and I have been provided with no substantive evidence which would prompt me to disagree with the Council's conclusions on this matter.
19. Interested parties state that the proposal would harm highway safety, increase local traffic and cause damage to local unadopted roads which are maintained at local residents' expense. The appeal proposal provides a single dwelling which would result in a very limited increase in local traffic, and I have not been provided with substantive evidence that there would be a harmful impact on these matters as a result of the limited additional comings and goings of future occupiers and visitors.
20. Concerns have been raised in relation to construction noise, damage to local roads and the safety implications for horses and riders, cyclists and pedestrians in the area during construction. I have sympathy for existing occupiers as development of this nature would inevitably give rise to some disruption.

However, the works would be time limited and it would not be reasonable to withhold consent on this basis alone.

21. The existence of restrictive covenants does not affect the acceptability of the appeal proposal in terms of its planning merits.
22. Concerns have been raised that the site has historically been undeveloped and that it has not been put forward as a proposed site for development in the Tatsfield Neighbourhood Plan. It has also been put to me that the site is currently subject to enforcement action. I have not been provided with further details, however, I have determined the appeal on its own merits and based on the appearance of the site during my visit.

Conditions

23. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
24. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
25. Conditions requiring details of the external materials, soft and hard landscaping, and the provision of bin and cycle storage are necessary in the interests of the character and appearance of the area.
26. I have included a condition requiring the provision and retention of off-street car parking and turning in the interests of highway safety.
27. A condition requiring the installation and retention of solar panels is necessary to ensure an energy efficient form of development and to achieve a carbon emissions reduction. I have included the Council's suggested condition to require details of external lighting to prevent harm to local biodiversity.
28. I have not imposed the suggested condition requiring the provision of electric vehicle charging points as the PPG sets out that compliance with other regulatory requirements, such as the Building Regulations, will not meet the test of necessity and may not be relevant to planning.
29. Bearing in mind the PPG's advice that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict several classes of permitted development rights. Therefore, I have not imposed the suggested conditions to this effect.

Conclusion

30. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans: GN2103-01 and site location plan.
- 3) The development shall not progress above the damp proof course of the new house until details, including manufacturer's name, product name, and photographs of the external facing materials and finishes have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details.
- 4) The development shall not be occupied until the solar panels shown on drawing no. GN2103-01 have been installed. The solar panels shall be retained and maintained in an operable condition thereafter.
- 5) The development shall not be occupied until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) A planting specification, implementation details and a 5 year landscape management plan.
 - b) Details of screening, including trees and hedging, around the perimeter of the site to mitigate for the development and to enhance the locality.
 - c) Details of all fencing, walling and other boundary treatments including gaps at ground level in the boundaries to allow the passage of wildlife.
 - d) Details of the incorporation of biodiversity enhancements.
 - e) Details of the incorporation of tree, shrub and hedgerow planting.
 - f) A timetable for undertaking all of the hard and soft landscaping works set out above.

The approved hard landscaping scheme shall be implemented prior to the occupation of the development and maintained thereafter and the soft landscaping comprised in the approved details shall be implemented in the first planting season following the occupation of the dwelling. If, within a period of 5 years from the completion of development, any of the trees or plants that form part of the approved details of soft landscaping, die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of a similar size and species.

- 6) The development shall not be occupied until the bin and cycle storage shown on drawing no. GN2103-01 have been installed. The bin and cycle storage shall be maintained thereafter.
- 7) The development shall not be occupied until the parking spaces and turning area shown on drawing no. GN2103-01 have been provided. The parking and turning area shall thereafter be kept available for the parking and turning of vehicles.
- 8) External lighting shall not be installed on the site (whether permanent or temporary) until lighting details have been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia,

measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The details will demonstrate that areas to be lit will not disturb bat activity. The installation of lighting shall be carried out in accordance with the approved details and maintained as such thereafter.

END OF SCHEDULE