



Appeal Decision

Site visit made on 21 February 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/C3620/W/23/3330130

Carpoles Cottage, The Green, Ockley, Surrey RH5 5TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Pratt against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1106/PLA.
 - The development proposed is conversion of outbuilding into a 1-bed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government after the Council's decision but before the appeal came before me. It does not raise any new considerations in relation to this appeal. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

3. The main issues are the effect of the proposed development on a) the character or appearance of the Ockley Conservation Area; and b) the setting of a nearby listed building.

Reasons

Conservation Area

4. The site, which comprises part of the existing grounds of Carpoles Cottage, together with an existing car barn and other smaller outbuildings, is within the Ockley Conservation Area (OCA). This is a designated heritage asset and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act), requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. From what I have read and from what I saw, the OCA is broadly linear in shape with gaps between buildings providing links to the surrounding countryside, particularly around The Green. Those buildings in the northern part of the OCA have a looser knit arrangement and appear to have a greater concentration of listed buildings, again particularly around The Green. Conversely, there is a closer-knit feel and more mixed architectural character in the southern part of the OCA.

6. Therefore, insofar as it relates to this appeal, the OCA as a whole derives some of its significance from the quality of the spaces in and around it, as well as the aesthetic value in the quality of the period architecture.
7. The existing car barn is relatively modest in size and appearance. It can be glimpsed at various points from outside of the site but is clearly one of several outbuildings serving a main dwelling. The proposed changes to the building itself would not alter its physical size; the clay roof tiles would be retained; and the timber boarding would be extended across the currently open parts of the building.
8. Nevertheless, the enclosing of the open parts of the building and the insertion of new windows and doors would remove the sense of it being a utilitarian outbuilding and instil a character more resembling that of a residential dwelling in its own right. The revised parking arrangements and delineated curtilage would reinforce this impression.
9. Although the site already forms part of a residential curtilage, the revisions mean that the building would be read within the street scene as a separate unit, with separate curtilage and entrance. There would inevitably be an intensification in residential use/activity as a result of the proposal and it would not be viewed as incidental or ancillary to the main dwelling.
10. Following permission to convert the nearby barn which formed part of the historic smallholding, this would represent a further step in the consolidation of housing in this part of the Conservation Area. Furthermore, this dwelling would noticeably be positioned away from the Green, whereas historically other houses have loosely encircled it. These are all small and subtle changes, but they would not preserve the existing character and appearance of the OCA.
11. It is suggested that additional planting could help to further screen the development. However, this would be a form of mitigation of harm rather than an enhancement of the landscape. In any event the purpose of landscaping is to integrate a development into its surroundings, not to hide something which is otherwise unacceptable.
12. In view of all of the above, I find the proposal to be contrary to Policies ENV22, ENV23, ENV39 and ENV43 of the Mole Valley Local Plan 2000 (LP) and Policies CS13 and CS14 of the Mole Valley Local Development Framework Core Strategy 2009 (CS) which, amongst other things, require development to generally respect its setting and the character of the area and to preserve or enhance the character or appearance of a conservation area.
13. The proposal would also be contrary to the Act and the Framework, which seek to conserve heritage assets in a manner appropriate to their significance.

Listed Building

14. There is a duty imposed by Section 66(1) of the Act requiring decision makers to have special regard to the desirability of preserving the setting of a listed building.
15. The host dwelling comprises part of a Grade II listed building. It is a timber framed, brick building which is said to date from the late 17th century. It is predominantly two storeys and its roof, leaded windows and chimney stacks are notable features of the building and give expression to its heritage.

16. There have been more modern additions to the rear of the building but nonetheless, the significance/special interest of the listed building, insofar as it relates to this appeal, includes the evidential, aesthetic and historic value of it being an example of a vernacular rural dwelling. Indeed, as a rural dwelling that is likely to have comprised part of a smallholding, the building derives intrinsic historic and evidential value from being experienced in a more rural setting and as part of the wider verdant landscape.
17. There are some other properties to the south which are visually prominent and can be seen within the site's context. Furthermore, the barns historically associated with the building now have planning permission to be converted to a dwelling. Nevertheless, there is overall a sparsity of other domestic properties near this listed building.
18. Although the proposal would not result in new built development there would be a change in intensification and in how the land was used through activity and paraphernalia associated with the proposal. Given the close proximity and intervisibility between the listed building and proposed dwelling this would inherently change the contribution the appeal site makes to the setting and significance of the heritage asset.
19. In particular, the understanding of the hierarchy of buildings around the heritage asset would diminish. A further dwelling would detract from the historic importance and primacy of the heritage asset and the scheme as a whole would unduly change this part of the existing garden into a competing curtilage. New development can be acceptable within the radius of a listed building but regrettably in this instance, it would diminish the character of the setting of the listed building thereby eroding its significance.
20. The proposal would therefore conflict with Policies ENV22, ENV23 and ENV43 of the LP and Policies CS13 and CS14 of the CS which, amongst other things, require development to generally respect its setting and the character of the area and in particular to not detract from the setting of a listed building. For similar reasons, the proposal would also conflict with the aims of section 66(1) of the Act and of the Framework's objectives for the historic environment.

Heritage Balance

21. I consider the harm caused to the OCA and listed building to be localised. Within the context of the Framework, this harm would be less than substantial.
22. Paragraph 208 of the Framework, states that where harm to a heritage asset would be 'less than substantial' this should be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation, and less than substantial harm should not be equated with a less than substantial planning objection.
23. The Council is unable to demonstrate a 5 year supply of housing land. A proposal for new housing therefore attracts positive weight, but a single dwelling is a small numerical addition.
24. Furthermore, the proposal would result in some temporary economic benefit during the conversion of the building. Once occupied, there may be a small on-going contribution to sustaining the vitality of Ockley, its services and facilities, which is consistent with objectives of the Framework. There is scope for the scheme to secure landscaping which may have biodiversity benefits. However,

there is no substantive evidence to demonstrate that these additional positive aspects of there being a dwelling on the site would have anything other than limited public benefit.

25. Overall, the benefits of the proposal attract modest weight in favour of the scheme. Consequently, when giving considerable importance and weight to the special regard I must have to the desirability of preserving the setting of the listed building and of preserving or enhancing the character or appearance of the Conservation Area, the strength of the heritage objection is greater. Therefore, I find that the public benefits would not, either individually or collectively, be sufficient to outweigh the harm to the heritage assets which would result from the development.

Conclusion

26. As the proposal is contrary to the policies of the Framework relating to designated heritage assets, there is a clear reason for dismissing the appeal. On this basis the approach to decision making set out in paragraph 11(d) of the Framework would not be engaged, despite there being a shortfall in housing land supply.
27. Whilst there would be some beneficial aspects of the scheme, I have not found there to be justification for permitting the less than substantial harm to the heritage assets.
28. For this reason, having considered the development plan as a whole, the requirements of the Act and the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR