
Appeal Decision

Site visit made on 24 September 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/M3645/W/24/3343472

Manor Livery, Manor Road, Tatsfield TN16 2ND

- 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 Andy Wilkins against the decision of Tandridge District Council.
 - The application reference is TA/2023/775.
 - The proposal is for the demolition of existing buildings and erection of three no. single storey dwellings with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of three no. single storey dwellings with associated parking and landscaping at Manor Livery, Manor Road, Tatsfield TN16 2ND in accordance with the terms of the application reference TA/2023/775, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the impact of the development on employment provision in the District.

Reasons

3. The appeal site consists of two stable buildings with hardstanding for vehicle parking and an outdoor sand school. The site is bordered by residential properties set in wider surrounds comprising paddocks, fields and woodland.
 4. Policy CSP22 of the Tandridge District Core Strategy 2008 (CS) seeks to develop a sustainable economy by, amongst other things, making the best use of existing commercial and industrial sites, especially those suitable for occupation by small businesses.
 5. DP4 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 (LP) advocates that proposals for the alternative use of commercial and industrial sites, whether vacant or occupied, will be permitted only where it can be demonstrated that the site is unsuitably located, or the current site use is no longer viable, even for an alternative commercial use, or as part of a redevelopment or mixed-use development scheme.
 6. DP17 of the LP relates to equestrian facilities, the preamble to the policy divides such activities into domestic and commercial use. I note in particular paragraph 17.5 and the reference to the "generally larger scale of commercial equestrian activities".
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7. The Council contends that the site is within a commercial use, and as such Policies CSP22 and DP4 would apply to the individual circumstances of this appeal. No information, for example in the form of an active marketing exercise, has been provided.
8. At my visit I saw that Manor Livery is accessed via a narrow track from Ricketts Hill Road. Approaching along the highway, the presence of the site is unimposing within its setting, and the scale of buildings and associated facilities is relatively modest in the context of equestrian operations. To my mind the facilities and overall extent of development is more akin to domestic use as set out in Policy DP17, rather than the larger commercial kind.
9. I have been provided with correspondence from a lessee indicating that the livery has been run for many years on a commercial basis with training clinics and events. However, there is no compelling evidence to support this, for example in the form of company accounts, details of staff turnover or advertising. The Council has submitted a document confirming that the site has been registered for business rates; still I note that this only outlines the value for the property, and there is no suggestion that any rent has actually been paid.
10. As such, based on my observations on site and in the absence of any robust information to the contrary, I am satisfied that the site relates to a domestic use equestrian facility and the provisions of Policy CSP22 of the CS and Policy DP4 of the LP would not apply. I therefore conclude that the proposed development would not have an adverse effect on employment provision in the District.

Conditions

11. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered some of the Council's suggested conditions for clarity and conciseness. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials in accordance with the application particulars, would provide for a satisfactory appearance.
12. Various tree protection measures and landscaping works would ensure protection of existing specimens and visual enhancements to the development. A condition relating to parking and turning areas is imposed in the interests of highway safety with cycle parking provision and charging points to encourage non-car modes of transport.
13. Conditions in respect of external lighting, biodiversity net gain and works in accordance with ecological recommendations and mitigation measures would prevent adverse impacts upon protected species. A condition relating to surface water is necessary in the interests of the appropriate management of drainage and the installation of air source heat pumps would ensure on-site renewable energy provision to enable the development to actively contribute to the reduction of carbon dioxide emissions.
14. Given the location in the Green Belt, conditions restricting the extent of land for residential purposes and removing Class A, B, C and E permitted development rights are both reasonable and necessary for safeguarding openness and landscape character.

Conclusion

15. Having regard to all matters put forward and my reasoning above, I allow the appeal.

C Hall

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 hereby permitted shall be carried out in accordance with the following approved plans: PL23-664-01B, PL23-664-04A, PL23-664-05A, PL23-664-06B, PL23-664-07A, PL23-664-08A, PL23-664-09A, PL23-664-10A, PL23-664-11A, PL23-664-12A, PL23-664-13A, PL23-664-14A, PL23-664-15A, PL23-664-16A, PL23-664-17A.
- 3) The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.
- 4) No development shall commence until the tree protection measures detailed within the approved Tree Protection Plan (23-1524-TTP) and Arboricultural Method Statement dated May 2023 have been implemented. Thereafter these measures shall be retained and any specified methods of construction, arboricultural supervision or staging of works strictly adhered to throughout the course of development, and shall not be varied without the written agreement of the Local Planning Authority.

In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority:

- (a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches;
 - (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees; and
 - (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.
- 5) No development shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The details shall include:
- (a) proposed finished levels or contours;
 - (b) means of enclosure;

- (c) car parking layouts;
- (d) other vehicle and pedestrian access and circulation areas;
- (e) hard surfacing materials; and
- (f) tree and hedgerow planting as compensation for those elements being removed.

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities. No retained trees or hedges shall be pruned, felled or uprooted during site preparation, construction and landscaping works without the prior written consent of the Local Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. PL23-664-05A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) The development shall not be occupied until cycle parking and charging points have been provided in accordance with details which have first been submitted to and approved in writing by the local planning authority. Such provision shall thereafter be kept available at all times for the parking and charging of cycles.
- 8) Prior to the installation of external lighting, full details including height, design, location, intensity and shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 9) Prior to the first occupation of the dwellings hereby approved the applicant should submit to the local planning authority for approval of a final biodiversity net gain plan in general accordance with the Biodiversity Net Gain report and Biodiversity Metric. The development shall be undertaken in strict accordance with the approved plan.
- 10) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Ecological Appraisal (LC Ecological Services, May 2023), Ecological Response Letter (LC Ecological Services, August 2023), Ecological Response Letter (LC Ecological Services, September 2023), Ecological Response Letter (LC Ecological Services, October 2023) and Updated Ecological Response Letter from Surrey Wildlife Trust comments for Manor Livery (LC Ecological Services, December 2023).
- 11) No development above ground level shall be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before development is completed and retained thereafter.

- 12) Before the development hereby approved is occupied the air source heat pumps as specified in the application details shall be installed and this system shall thereafter be retained in perpetuity in accordance with the approved details.
- 13) The residential land shall be limited to those areas containing the dwellings and shown as 'garden' on the proposed block plan PL23-664 06B and no other land shall form the residential curtilage of the new dwellings.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C or E of Part 1 of Schedule 2 to the Order shall be undertaken.