



Appeal Decision

Site visit made on 26 November 2024

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/D3640/W/24/3343200

Givenchy (No 131) & West End Garage (Nos 133 – 141) Guildford Road, West End, Woking, Surrey GU24 9LS

- 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 Brendan Dunne against the decision of Surrey Heath Borough Council.
 - The application Ref is 23/0911/FFU.
 - The development proposed is described as: to incorporate within West End Garage: The use of the land in connection with the operation of the garage.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from Class C3 to Sui Generis (Car showroom and garage) in connection with the existing use of 133-141 (odd) Guildford Road, at 131 Guildford Road, West End, Woking, Surrey GU24 9LS in accordance with the terms of the planning application Ref. 23/0911/FFU, dated 8 August 2023, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The development description in the banner heading is from the application form. The Council's decision notice refers to it as 'change of use of 131 Guildford Road from Class C3 to Sui Genris (Car showroom and garage) in connection with the existing use of ...', which I consider more reflective of the development. My decision paragraph is based upon this description. The development had commenced at the time of my visit, so I have considered the appeal on this basis.
3. The appellant submitted indicative layout plans within the Highway Technical Note (HTN) to address the second reason for refusal. They are not submitted to formally amend the application, so I have treated them as indicative. While the Council no longer objects to the development for highway reasons, noting the views of interested parties I have considered the matter as a main issue.

Main Issues

4. The main issues are:
 - whether or not the development complies with policies for the loss of housing;
 - whether or not the development complies with policies for employment;

- the effect of the development upon the character and appearance of the area;
- the effect of the development upon the living conditions of the occupiers of No 129 Guildford Road with reference to noise and disturbance; and,
- the effect of the development upon highway safety.

Reasons

Housing

5. Policy CP3 of the Core Strategy and Development Management Policies DPD (2012) (the CSDMP) sets out the scale and distribution of new housing. It also seeks to resist development involving the net loss of housing unless the benefits outweigh the harm. Although not fully defining the term 'housing', the supporting text clarifies the terms housing and dwelling includes flats. It does not appear to include or refer to all residential land where no dwelling or housing exists. This and the policy purpose indicates to me there needs to either be a dwelling or other habitable structure on a site, or that it is the lawful position that one should be on a site, to result in a 'net loss of housing'.
6. Before the previous bungalow was demolished under a prior approval¹ (PA), it had been used by the appellant's business for accommodating staff. I am informed that though the levels were not ultimately approved, the land was grass seeded as proposed in the remediation strategy, which was a consideration in granting the PA². It was subsequently surfaced, but from the evidence before me, the PA does not require retention of the grassland, and it is not put to me that the PA is now invalidated due to the foregoing matters.
7. The evidence before me does not lead me to conclude it is demonstrated the residential use was abandoned. However, there is no obligation to re-erect a new dwelling. There is no extant permission, so a new dwelling would require some form of consent. I am offered little certainty that housing is likely to be forthcoming on the site. While this appeal development results in the loss of residential land, it does not result in the loss of housing. Therefore, the Policy CP3 requirement to demonstrate the benefits of the scheme are not triggered.
8. For the reasons set out, the development does not conflict with Policy CP3 of the CSDMP for the loss of housing, the relevant provisions of which are set out above.

Commercial use

9. Policy CP1 of the CSDMP seeks to direct development in accordance with the spatial strategy to provide the most sustainable approach to accommodating growth. It states that West End has a limited capacity to accommodate growth, which will primarily be achieved through redevelopment. The appeal development is, in scale terms limited, and involves the redevelopment of land within the settlement, so I find no conflict with Policy CP1.
10. Policy DM13 of the CSDMP is titled Employment development outside Core Employment Areas and Camberley Town Centre. It states that development for B class uses will generally be restricted to extension, alteration or addition

¹ Ref. 22/1282/DEM

² Paragraphs 7.1 – 7.6 of the delegated report for Ref 22/1282/DEM.

to an existing building or operation in employment use. Most of the existing premises was used for the sale of motor vehicles, which is a sui generis use. That is also what is proposed on the appeal site. Noting the Council's past assessment at the site, what I saw, and that only a small part of the wider premises was used for vehicle repair and servicing, I agree it is sui generis.

11. The DM13 policy text does not state the policy either does, or is intended, to apply to of the like development. Even were it the case, the appeal scheme constitutes an extension or addition to the use supported by (i) of DM13. The supporting text refers to the Council seeking to promote development where it would improve residential amenity. However, this does not form part of the policy text. Neither the policy nor supporting text makes policy acceptability of this development conditional upon demonstrating a betterment. Therefore, I cannot conclude the development conflicts with Policy DM13 of the CSDMP.
12. Policy CP8 of the CSDMP seeks to make provision for up to 7,500 new jobs up to 2027. Its focus is utilising existing employment areas and promoting a more intensive use of those sites through the recycling, refurbishment and regeneration, redevelopment of B1 uses, the retention of Core Employment Areas, and directing development with strategic road network access requirements. Though it does not state a presumption for the appeal development, it does not seek to preclude, discourage, or restrict it. Therefore, I cannot conclude the development conflicts with this policy.
13. For the reasons set out above, the development does not conflict with policies for employment. I find it does not conflict with Policies CP1, CP8 or DM13 of the CSDMP, the relevant provisions of which are set out above.

Character and appearance

14. The site is within Character Area 1 (CA1) in the West End Village Design Statement (2016) (the WEVDS) although it is viewed in the wider context of others. Main design features of CA1 include a semi-rural character, boundary trees and grass verges. However, CA1 is of some length and focused around the well-trafficked A322 corridor. CA1 is also characterised by the A322 itself, open spaces and areas of commercial uses with parked cars, viewed within generally residential and semi-rural backdrops.
15. From what I saw of CA1, as a matter of judgement, though the existing premises is wider and has a greater intensity of car parking, it has some degree of synergy with the character and appearance of CA1 as a whole. Within the appeal site vicinity to the south and east is the existing premises with a variety of buildings and parked vehicles. To the north, west and beyond the premises south and east beside and behind the A322, are established quite low-density residential areas and greenspaces. Therefore, the character and appearance of the surrounds as a whole, are quite mixed.
16. Though the bungalow was not particularly characteristic of surrounding dwelling types, the appeal site would have been in keeping with the character and appearance of the area. Under the PA there is a requirement to seed the site to grassland, and although there appears to be no long-term retention or maintenance requirement, the grassland would have been a limited positive contributor to the character and appearance of the area.

17. Though the commercial premises is not reflective of the wider residential and rural characteristics, the premises is nevertheless an established part of the character and appearance of the area. The appeal scheme widens the frontage by a limited amount and submitted plans indicate how it could be laid out with cars almost at the frontage. It would result in a greater length of made surface and parked cars, although it would not appear overdeveloped.
18. In context, the change is limited and reflective of the existing premises. It would be visible from due west of the appeal site, but its visibility to the north and south on the A322 is limited by existing boundary treatments and vegetation to the north and the south. Though all are not necessarily within the control of the appellant, there is no indication they will be removed were the appeal to be allowed. The effect of the development could be reduced by frontage boundary treatment secured by the Council's suggested condition.
19. By its nature from time-to-time, cars will need to be manoeuvred and have their doors opened and closed. There would be a greater level of activity than would have been probable with a residential use. However, the levels of activity would be quite limited and would be consistent with the established use of the appellant's premises. In the context of existing movement and activity on the A322 which the WEVDS describes as the major of two A roads, the change in activity and character would be small.
20. At my visit I noted a couple of advertisements on the wider premises. It is possible there might more on the appeal site, or more widely. However, it is by no means inherent in a modest extension to an existing premises that there would be further advertisements, or that these would be harmful. These are the subject of a separate legislative regime where adverts with a greater effect upon amenity require an express consent.
21. Overall, the development would result in limited harm to the character and appearance of the area. This would nevertheless conflict with Policies CP1 and DM9 of the CSDMP. In combination and amongst other things these seek to ensure that development respects and enhances the local character of the environment. It would conflict with Guideline 7 of the WEVDS insofar as this seeks to that open space including grassed areas should be preserved.

Living conditions

22. The restoration to grassland without structures would have been a very minor noise attenuation of the existing premises to No 129. While my site visit can only represent a brief snapshot of typical conditions around lunchtime during the week, the dominant element of background noise around No 129's boundary was vehicles on the A322. The premises had a moderate number of customers, most of which were within the buildings. Some cars were being washed, serviced, or repaired. Activity around the display cars was very low.
23. Site activity was not audible at the boundary with No 129 at my visit. However, this will not be the case all the time given its closer proximity, particularly at weekends when traffic noise may be lower and people viewing or purchasing vehicles greater. There will be some opening and closing of doors and boots, and some chatter when prospective buyers are examining vehicles. There will also be vehicle engines running and some manoeuvring to take vehicles for a test drive. However, it would seem unlikely car sales would result in engines being revved or staff unloading vehicles.

24. At times, site noise may be discernible above traffic noise, although the evidence suggests the noise generated is likely to be very limited, and the proposal is not an inherently noisy operation. Based upon the appellant's description of the operation, there are typically 6 – 8 sales appointments per day. Even if it were markedly more than this on average, and greater on certain days, this is across the site. It would seem unlikely cars on the appeal site will be frequently viewed and manoeuvred all day. It would also only take place within the existing operating hours of 08:00 – 18:00hrs Monday – Friday, 08:00 – 17:30 Saturday and 10:00 – 16:00hrs on Sundays.
25. The arrangement on the indicative plans and as I saw it, is similar that which would have existed at the previously demolished dwelling, and has some similarities of the current relationship of the premises with a dwelling abutting its eastern boundary. The existing operation is also adjacent to other gardens. No recent noise complaints have been brought to my attention and there is no objection in this regard from the Council's Environmental Health & Licensing.
26. The description of the operation of the business and the evidence before me, indicates noise and disturbance will be limited. Though noting the Council's concerns, they have not provided substantive evidence to lead me to an alternative view. Conditions can be imposed to restrict the use to that set out within the application, and its hours of use. These would limit noise levels and safeguard the living conditions of the occupiers of No 129 and other nearby properties, to prevent the development resulting in harmful living conditions.
27. For the reasons set out above, the development would not result in harmful living conditions to the occupiers of No 129 Guildford Road, with particular reference to noise and disturbance. It would not conflict with Policy DM9 of the CSDMP which states that development will be acceptable where it respects the amenities of occupiers of neighbouring properties.
28. Though the Council's appeal statement implies Policy DM13 seeks to balance economic development with residential well-being, and I note references to impacts upon amenity in the subtext, as there is no direct reference to living conditions in the policy text, I have not concluded against the policy.

Highway safety

29. The Appellant's HTN considers staff cars and access layouts. It explains there would be no additional staff because of this development, so no increase in on-road parking. The HTN plans show how parking is laid out within the existing site. The HTN indicates arrangements for customer, staff, courtesy vehicle, and cars awaiting repair, and that appeal site area is intended to be utilised only for display vehicles. Any condition requiring staff parking on the appeal site would not be necessary or directly related to the development.
30. Interested parties comment upon existing staff parking in the area, although there is no further detailed evidence provided by them in this regard. Upon my inspection of the wider area, I did not observe harmful effects that I could attribute to the dealership. Though my visit only represents a brief snapshot in time, the substantive evidence submitted leads me to a view that this development would have no material adverse effect.
31. The swept path analysis demonstrates internal movements can be completed for a large car, delivery van, and a private refuse vehicle, so the vehicles can

turn on-site, and can enter and exit in a forward gear. The crossover from the demolished dwelling is on the inside of a bend, so does not meet visibility requirements. However, it would not be used, and this can be secured by planning condition. Vehicles can be displayed in locations that are accessible from within the site and which allow for manoeuvres to be completed around them. Where vehicles are required for test drive or purchase, the garage would generally have notice of this and will manage vehicle movements within the site as they currently do.

32. The Highway Authority and the Council has confirmed they no longer object to the development based upon what is set out in the HTN. I am satisfied this appeal development would not lead to any harmful impact on the local highway network.
33. Therefore, for the reasons set out above, I conclude that the development would not be prejudicial to highway safety. It would not conflict with Policies CP11 and DM11 of the CSDMP which, in combination and amongst other things, require that development ensures the efficient and safe operation of the highway network and provides a safe and well-designed vehicular access.

Planning Balance

34. While there would be some loss of land in residential use, the development does not conflict with policies in respect of the retention of housing, or policies concerned with employment. It would not be prejudicial to highway safety. There would be some adverse effects upon the living conditions of No 129, however, they would be limited and would not result in harmful living conditions. There would be a limited adverse effect upon the character and appearance of the area. The development already commencing is at the appellant's own risk and is not reason to dismiss the appeal. Overall, its adverse effects attract limited weight against the development.
35. Whilst it does not result in an increase in employment, the development supports the needs of a long established sizeable local business. It gains support from paragraph 85 of the National Planning Policy Framework (2024) (the Framework) insofar as it seeks that planning decisions should create conditions in which businesses can expand, adapt, and that significant weight should be placed on the need to support economic growth and productivity for local business needs. Having regard to the scale and the nature of the development, this is a matter that attracts moderate weight in favour of it. Therefore, overall, the benefits of the development outweigh the harm, and the appeal should be allowed.

Conditions

36. I have considered the suggested conditions in the context of the advice in the Framework and Planning Practice Guidance. As the development has commenced a commencement condition is not necessary. In the interests of certainty, a condition specifying the permission area is necessary (1). In the interests of the character and appearance of the area a condition is necessary to require a landscaping scheme for the frontage area (2). I have amended the Council's suggested condition to require the scheme includes timeframes for implementation and that the scheme is implemented as approved.

37. In the interests of certainty and the living conditions of neighbouring occupiers a condition is necessary to restrict the use of the land (3), the hours of use to be consistent with the existing business (4), and the installation of external lighting (7). In the interests of highway safety and convenience conditions are necessary to require access to and from the public highway from the appeal site is only via the existing entrance as set out in the submitted plans (5) and the submission and approval of vehicle display, parking and turning areas (6).

Conclusion

38. The development conflicts with the development plan read as a whole. However, the benefits of the development outweigh the conflict with the development plan. Therefore, for the reasons given, the appeal is allowed.

Mr D Szymanski

INSPECTOR

--- Schedule of Conditions ---

- 1) The development hereby permitted relates to area outlined in red on the plan/drawing BIRDS EYE VIEW around the property shown as 131 Guildford Road on the 'Complete Site Plan' received by the Council on 21 September 2023.
- 2) Within 4 months of the date of this decision, a soft landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to soften the boundary with the public highway, and the time periods for implementation of the measures. The scheme shall be implemented in accordance with the approved details and timeframes, and shall be retained and maintained thereafter, for the lifetime of the development.
- 3) The change of use hereby approved shall only be used for the parking and display of vehicles in connection with the sale of vehicles associated with the business use at No 133 – 141 Guildford Road, and for no other purposes.
- 4) The use hereby permitted shall only operate between the hours of 08:00 – 18:00hrs Mondays – Fridays, 08:00 – 17:30 Saturdays and 10:00 – 16:00hrs on Sundays, and at no other times.
- 5) The means of access to and from the development hereby approved shall be from the existing main site access to the A322 Guildford Road only, as indicated on plan/drawing Ref. 2401038-101 Rev E. There shall be no direct vehicular access from the site hereby approved, on to the A322 Guildford Road.
- 6) Within 4 months of the date of this decision, a scheme showing the layout of vehicles to be parked / displayed on the site including the existing layout of vehicle parking and turning areas at the premises shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the layout shall be retained in accordance with the approved plan and for their designated purposes.
- 7) No external lighting shall be installed on site without the prior permission of the Local Planning Authority.

End of Schedule.