



Appeal Decision

Site visit made on 18 December 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2025

Appeal Ref: APP/P5870/W/24/3344545

Land to the rear of 24-25 Telegraph Track, Carshalton SM5 4AU

- 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 Alan Rademeyer against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2023/01666.
 - The development proposed is conversion of barn into 2 self contained dwellings with refuse and cycle storage and parking to the front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government has published its Housing Delivery Test results alongside the publication of a revised National Planning Policy Framework (The Framework) in December 2024. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the comments made in reaching my decision.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - Highway safety; and
 - Sustainable drainage and water efficiency.

Reasons

Whether Inappropriate Development

5. The appeal site is in the Green Belt. Within the terms of Paragraph 154 of the Framework, the proposal relates to the re-use of buildings provided that the buildings are of permanent and substantial construction. The re-use of buildings includes any associated uses of land or minor operations such as garden areas, car parking or boundary walling or fencing.

6. Based on what I have seen and read, the barn is of a permanent and substantial construction.
7. Policy 24 of the Sutton Local Plan 2018 (the Local Plan) specifies that the re-use of buildings will be inappropriate unless it is for (i) agriculture, horticulture or animal-related businesses; or (ii) appropriate facilities for outdoor sport and recreation and cemeteries. The proposal does not fall within the purposes defined in Policy 24 and would therefore conflict with that development plan policy.
8. However, the criteria of Policy 24 in respect of the re-use of buildings is more restrictive than the Framework. That said, the Local Plan was drafted and found sound against the 2012 version of the Framework. The wording of the Framework regarding the re-use of buildings has remained consistent from the 2012 version to the most recent revision published in December 2024.
9. However, the London Plan 2021 has been adopted since the Local Plan. Policy G2 of the London Plan relates to London's Green Belt, and the supporting text for this policy states that the Framework provides a clear direction for the management of development within the Green Belt. This includes the consideration of whether a development is inappropriate. Given the wording of the more recently adopted London Plan and the emphasis placed on the Framework, this reduces the weight I give to Policy 24 of the Local Plan.
10. In respect of whether the appeal proposal would be inappropriate, Paragraph 154(h) of the Framework requires that development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
11. On the matter of openness, the land around the barn is enclosed by fencing and other means of enclosure and is distinctly separate from the surrounding open countryside. I also saw that vehicles and trailers were parked around the barn as well as an extent of open storage. The appeal site boundary does not fully reflect the existing enclosure, and new means of enclosure would therefore be created as a result of the development. However, this would not extend beyond the existing boundary. The proposal would remove an area of gravel to be replaced by gardens, and that, along with the resultant parking and other external paraphernalia, would have no greater impact on openness than the activities I observed in association with the existing barn. On balance, I conclude that the proposal would have a neutral impact on openness and would therefore preserve the openness of the Green Belt.
12. Regarding the Green Belt purposes, the appeal site is not part of or directly adjacent to a large built-up area and would therefore not contribute to the unrestricted sprawl of such an area. It would also not contribute to neighbouring towns merging and would not affect the setting or special character of a historic town. It has also not been demonstrated that the proposal would harm the recycling of derelict and other urban land. The proposal would change the character of the use of the site, but it is clearly separate from the surrounding open countryside, and as a result the proposal would not contribute to encroachment. The proposal would therefore not conflict with the Green Belt purposes.
13. Drawing the above together, the appeal proposal conflicts with Policy 24 of the Local Plan as it does not fall within the specified uses of Policy 24(d(i & ii)). However, with regards to the policies of the Framework and Policy G2 of the London Plan, the appeal proposal would not be inappropriate development and

would not conflict with those policies. Given the more recent adoption of the London Plan I give Policy G2, and consequently the Framework, more weight than the Local Plan on this issue. There are therefore material considerations of such weight that the appeal should be determined other than in accordance with Policy 24 of the Local Plan.

14. I therefore conclude that the appeal proposal would not be inappropriate development in the Green Belt when the development plan and the Framework are read as a whole.

Highway Safety

15. Telegraph Track is a single carriageway road which serves a limited number of properties, and I saw that it carries a very limited amount of low-speed vehicular traffic. However, it is a popular route with walkers and cyclists.
16. The extent of the access route leading from Telegraph Track to the proposal is of sufficient width to enable 2 cars to pass. Given this width, it would be possible to design the junction with the highway so that vehicles would not have to wait on the carriageway should they need to pass each other when entering the site.
17. However, I saw that the access also serves a number of other buildings as well as a compound and paddocks. Even given the small scale nature of the intended use of the site, the evidence suggests that the access is subject to more intensive use than that solely arising from the appeal proposal. Furthermore, there is a sharp bend in the access route as well as a narrowing in width over part of the route, which may lead to conflicts between pedestrians and the passage and manoeuvring of vehicles. Given the apparent level of use of the access, based on the evidence before me this arrangement may lead to unacceptable harm to the safety of pedestrians and vehicles.
18. Although the proposal would provide a sufficient number of parking spaces, it has not been demonstrated that vehicles would be able to manoeuvre from the parking spaces so that they could enter and exit the site in forward gear. This is particularly the case given the constrained nature of the indicated manoeuvring area and potential conflicts with the movements of vehicles and pedestrians accessing other buildings and land around the site.
19. I therefore conclude that insufficient evidence has been provided to demonstrate that the proposal would not be harmful to highway safety in respect of access and manoeuvring within the appeal site as well as nearby land and property. The proposal would therefore be contrary to Policies 36 and 37 of the Local Plan with regards to transport impacts and the provision of parking.

Sustainable Drainage and Water Efficiency

20. In respect of sustainable drainage, the appellant contends that the site is covered in hardstanding and that the creation of gardens would increase permeable areas. However, with the exception of some small areas, I observed that the site is covered by coarse gravel rather than solid hard surfacing. Much of the existing surface treatment would therefore be permeable.
21. The appellant refers to evidence from the British Geological Survey which they consider indicates that a soakaway or similar feature would likely to be suitable for the site. However, given the requirements of Policy 32 of the Local Plan on

sustainable drainage, the limited evidence provided by the appellant would not be sufficient to demonstrate compliance with development plan policy on this issue.

22. Given the limited and conflicting evidence, I do not consider that a planning condition would be able to give sufficient certainty that the matter of sustainable drainage can be satisfactorily addressed.
23. The Council refers to a lack of evidence in relation to water efficiency measures, particularly in respect of Part G of the Building Regulations. However, the appellant has confirmed that the proposal would be constructed in line with Part G and this matter can be secured by condition. Subject to an appropriate condition, water efficiency does not represent a reason to withhold planning permission.
24. Notwithstanding my conclusions in respect of water efficiency, I conclude that insufficient evidence has been submitted in relation to sustainable drainage. The proposal would therefore conflict with the sustainable drainage and flood risk management requirements of Policies 32 and 33 of the Local Plan as well as Policies SI 12 and SI 13 of the London Plan.

Other Matters

25. I am mindful of the benefits of the proposal, including the contribution to the mix and supply of housing, and the efficient use of a small site. However, given the Council's housing land supply, the benefits arising from 2 dwellings would be very limited, and due to the concerns on highway safety and drainage it has not been demonstrated that the proposal is an effective use of land. The benefits arising from the proposal therefore carry very limited weight in favour of the appeal.

Conclusion

26. Notwithstanding my conclusion in respect of inappropriate development in the Green Belt, the proposal would conflict with the development plan when read as a whole with regards to highway safety as well as sustainable drainage and water efficiency.
27. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR