



Appeal Decision

Site visit made on 31 January 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/Z3635/W/24/3353954

12 Stanwell Close, Stanwell, STAINES-UPON-THAMES, TW19 7LL

- 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 and Mrs Shiv Singh and Taranjeet Kaur Bains against the decision of Spelthorne Borough Council.
 - The application Ref is 24/00903/FUL.
 - The development proposed is the change of use of residential land to commercial use for storage of vehicles when not in use for film shooting (no more of 15 vehicles).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The use is currently taking place; therefore, this is a retrospective proposal.
3. The description of development is taken from the Council's decision notice as this more concisely and accurately describes the development.
4. The Council are in the process of preparing a new local plan. From the details provided, the examination is not complete, and at this stage, the policies of the Pre-Submission Spelthorne Local Plan carry limited weight.

Main Issues

5. The main issues are: - i) whether the use would be appropriate for its locality having regard to the character of the area and the amenities of the neighbouring occupiers; and ii) highway safety.

Reasons

6. The appeal site relates to the area of land to the side of No.12 Stanwell Close. The semi-detached pair of No.11 and 12 do not have a conventional layout. No.12 has limited space to the rear with its relatively large garden space to the side and that of the neighbour, No.11, running parallel along the rear (northern) boundary. A number of rear gardens to properties in the High Street also abut the site.
7. The whole of the space to the side of No.12 has been laid to hardstanding and is enclosed by walls and a tall, electronic sliding gate to the driveway. At the time of my site visit, the space was full of people carrier/small minibus-type vehicles

- comprising six rows of at least 3 to 4 vehicles. They were compactly parked with limited space around the vehicles and also extended to the rear of the property.
8. Due to the tall boundary treatment, the vehicles are not visible from the street, other than when the gate is open, which, due to its height and scale, does have a commercial appearance. Similarly, other than tall vehicles, they would equally not be directly seen from the neighbour's gardens. They would, however, be visible in views from upper windows, and there would also be potential noise and disturbance associated with the presence of the vehicles, in particular, when they are being moved. Whilst I accept that there is no right to a particular view, neighbouring uses are to be compatible and appropriate for the character of the area.
 9. The appellant indicates that vehicular movements are relatively infrequent, although representations from the neighbouring occupiers advise that there have been periods of significant activity, notably at night, which generated noise and the activation of lights. The planning application did not include any specific information regarding the commercial operation. Some further details have been provided at the latter stage of the appeal process. It is explained that the vehicles are used around the country in connection with the film industry for 3-4 months of the year. They are stored at the appeal site when not in use, and when required, they are taken on/off site in a systematic order within a defined time period.
 10. The number of vehicles, even if restricted to 15, is significantly in excess of what would normally be associated with a residential property, and the use leaves the family-sized dwelling without any garden. This is both out of character with the area and significantly impacts the living conditions of the occupiers of No.12. While the property is not currently occupied, planning permission runs with the land and not how an individual chooses to use the property. It is suggested that the property has amenity space of 42sqm, which is assumed to be the small space to the rear, but this would be significantly short of the minimum garden sizes for semi-detached dwellings as set out in the Council's Supplementary Planning Document -Design of Residential Extensions and New Residential Development, April 2011 (SPD).
 11. There is no specific data in relation to noise or other intrusions; however, given the concentration of vehicles and the proximity to the neighbour's gardens, there would be, at times, a level of disturbance. The appellant suggests that details pursuant to conditions could be provided in relation to an operational plan, restrictions on the operational hours, vehicle sizes, and lighting. However, there are no details before me which provide an indication that such provisions are feasible which would mitigate the harm and would also align with the operational requirements of the business. They would also not overcome the conflict with the character of the area and amenity provisions for the residential property.
 12. The proposal would therefore be contrary to Policy EN1 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document (Core Strategy), and the SPD which promotes a high standard of design and layout, including creating buildings and places that are attractive, respect the character of the area and achieve satisfactory relationships to adjoining properties. It has also not been demonstrated that the use would not generate unacceptable noise levels or that measures would attenuate the impacts contrary to Core Strategy policy EN11, which seeks to ensure that residential areas are not adversely affected by noise.

Highway Safety

13. Access to the storage space is via the driveway which extends across the front of the house and has a limited width of direct frontage and dropped kerb to the road. It is bound to the south by a close-boarded fence to the neighbouring property and hedging to the other side. Stanwell Road is relatively narrow, primarily single width and opposite the entrance to the site is a small roundabout.
14. No tracking or other information has been provided to demonstrate that the vehicles can appropriately access and manoeuvre within the site. Whilst acknowledging that the use is in operation and the arrangements serve an existing residential property, the number and size of the vehicles are more than what would be typical for a residential property, and the capacity is such that they are to be parked in close proximity.
15. There is nothing to suggest that the associated traffic movements would have a severe impact on the road network. Nonetheless, there are insufficient details to demonstrate that suitable and safe access arrangements can be achieved without prejudice to other road users. As such, the proposal fails to accord with Core Strategy policy CC2 and the objectives of the National Planning Policy Framework with regard to highway safety.

Other Matters

16. The appellant explains that the proposal is to regularise an existing use and that the space was formed of hard standing when the property was purchased. There is, however, no information before me to indicate that the property has been in anything other than residential use. The operational development of the provision of hardstanding does not alter the space being for purposes incidental to the enjoyment of the dwellinghouse.
17. It has also been suggested that the use is restricted to a 12-month temporary period. However, the use has already effectively had a trial period, operating without the benefit of planning permission for a period of time. There is also insufficient information in relation to a number of matters which demonstrate the compatibility of the use with its surroundings, and there is no specific justification for a further year of operation.
18. I understand that the appellant is working to run a successful business and that they have sought to introduce measures to minimise the impacts in response to the concerns raised. Nonetheless, fluctuations in demands, requirements in terms of assets and, in particular, the costs associated with storage are part of the commercial enterprise and are not considerations which attract weight as a benefit in the planning balance. The use of the appeal site for the storage of vehicles conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

Conclusion

19. For the reasons set out, the appeal is dismissed.

G Ellis

INSPECTOR