



Appeal Decision

Site visit made on 29 January 2025

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/M3645/W/24/3352717

Land Adjacent to Oakhurst, Church Lane, Chaldon, Caterham CR3 5AL

- 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 JAW Developments against the decision of Tandridge District Council.
 - The application Ref is TA/2024/733.
 - The development proposed is conversion of existing outbuilding to a self-contained dwelling
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing outbuilding to a self-contained dwelling at Land Adjacent to Oakhurst, Church Lane, Chaldon, Caterham CR3 5AL in accordance with the terms of the application, Ref TA/2024/733, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (the Framework) and any relevant development plan policies.
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Whether inappropriate development

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. Development in the Green Belt is inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in the Framework.
4. Of relevance to this appeal, paragraph 154c) of the Framework provides an exception for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This is broadly echoed by policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (LP). This exception relates to whether the total of existing and proposed extensions to the original building would be

disproportionate in size. It would not include a specific consideration of openness nor would it normally include the visual impact of the proposal.

5. The main parties agree that the volume of the original building is 232cu.m. The proposed additions would increase the size of the building to around 297cu.m., which is a 28% increase. There is no dispute between the main parties that in terms of its size, the extension would not be disproportionate. This remains the case taking into account the history of the site.
6. Therefore, it would not be inappropriate development in the Green Belt in the terms of the Framework and policies DP10 and DP13 of the LP.
7. The impact on openness is implicitly taken into account in the exception under paragraph 154c). Therefore, there is no requirement to assess the impact of the development on the openness of the Green Belt. Furthermore, as the development is not inappropriate development under paragraph 154c) there is no need to consider any other exceptions.

Character and appearance

8. Church Lane is characterised by a row of residential properties in various designs with a mixture of single and two storey heights. Generally, properties are in traditional materials with pitched roofs and are detached family homes set in their own plots. Oakhurst is a two storey property with single storey side additions with crown roofs. It has a single storey flat roofed detached garage/outbuilding which is the subject of this appeal. The host dwelling is mainly in render, similar to the adjoining property at Grove View.
9. The proposed development would subdivide the plot of Oakhurst and convert the existing outbuilding to a detached single storey dwelling. This includes the addition of a crown roof across the whole building, the insertion of windows and doors and elevations are indicated to be in render.
10. The building would clearly appear as a separate dwelling, in part due to the addition of domestic fenestration, and its plot size would be notably smaller than others nearby. However, this would not be clearly apparent in the streetscene. Furthermore, the building would maintain the existing separation from Oakhurst and the limited roof addition would retain the low height of the building. Whilst the front garden area would be subdivided, the amount of hardstanding would not be notably different to the existing situation. Therefore, although the garden area would be smaller than the prevailing character, the proposed development would not harm the existing sense of separation between buildings. Consequently, there would be limited harm to the spacious character of this area.
11. Rendered walls would be in common with the two immediately adjacent neighbouring properties. Although these differ from the more traditional buildings found elsewhere along Church Lane, given their direct proximity, they would be appropriate on this site. The crown roof would be at odds with the established roof form along this road. Nevertheless, it would reflect the crown roof on the immediately adjoining side additions to Oakhurst, and would replace an existing flat roof which is also not typical of this road, which minimises the extent of the harm. Nevertheless, this feature would be uncharacteristic of the prevailing roof form in this area and would be inappropriate for this reason.

12. There would be limited harm to the spacious character of the area and the proposed roof would not be in keeping with the appearance of roofs along Church Lane. Taking into account the specific circumstances of this case, this would result in limited harm to character and appearance.
13. Therefore, the proposed development would be harmful to the character and appearance of the area. As such, it would be contrary to policy CSP18 of the Tandridge District Core Strategy (2008) and Policy DP7 of the LP. Together these require high quality design which respects character, setting and local context, amongst other things.

Other Matters

14. Oakhurst is served by two vehicle access points to Church Lane which lead to a substantial area of hardstanding. I am not presented with detailed evidence that there are any highway safety issues with access to or from these existing driveways, nor that the limited traffic generation associated with a single new two bedroom dwelling would be harmful. The proposed development would reduce the amount of parking available to Oakhurst but a large area of hard standing would be retained. There is little before me to indicate that the space for parking and turning for the host dwelling would not be sufficient. Although the parking and turning area for the proposed dwelling would be smaller, I am satisfied that parking and access arrangements for this two bedroom dwelling would not prejudice highway safety and the provision and retention of the parking area could be secured by condition.
15. The Council cannot demonstrate a 5 year supply of deliverable housing sites. The fact that the Authority Monitoring Report (2023 – 2024) shows a 1.92 year supply is not disputed. The appeal scheme would provide a new dwelling in an area where there is a shortfall in the delivery of housing along with the associated social and economic benefits. The appeal site is at the end of Church Lane which connects to Rook Lane where there are facilities including Chaldon Village Hall and a school. Therefore, the proposal is in a sustainable location for the purposes of the Framework.

Planning Balance

16. The Council cannot demonstrate a five year supply of deliverable housing sites and therefore, the presumption in favour of sustainable development contained within paragraph 11 d) would be engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
17. The proposed development would provide a new dwelling. As set out above, it would direct development to a sustainable location and support the Government's aims to boost the supply of homes. I have taken into account the housing land supply position and I afford significant weight to these benefits.
18. On the other hand, for the reasons set out above the proposed development would result in limited harm to the character and appearance of the area and would not

secure a well designed place. Furthermore, taking into account the desirability of maintaining this area's prevailing character and setting and the importance of securing well designed, attractive places, this would not be an efficient use of land. Nevertheless, for the reasons set out above, this harm would be limited.

19. Overall, the adverse effects of the development would not significantly and demonstrably outweigh the benefits set out above when assessed against the policies in the Framework taken as a whole and having particular regard to key policies. Therefore, the presumption in favour of sustainable development would apply in this case.

Conditions

20. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
21. The standard implementation condition is attached and in the interests of certainty a condition to define the plans with which the scheme should accord. The plans do not include information about the proposed materials, therefore the materials condition has been amended to require the submission of details. This is needed in the interests of the character and appearance of the area. Details of hard and soft landscaping are necessary for the same reason. Details of the protection of trees must also be submitted for the same reason, however, the condition has been amended to avoid overly detailed specifications of requirements as it would be reasonable for the planning authority to decide what level of detail is needed to achieve the purpose of this condition. This condition should be pre commencement as these measures are required for the full duration of the works. A condition requiring the implementation and retention of the parking and turning area is necessary for the reasons in the main body of this decision.
22. The appeal scheme would not increase the footprint of built development and the evidence submitted does not set out any particular issues with sewage or drainage. Therefore, the submitted evidence does not demonstrate that the submission of these details are necessary, and this suggested condition is not included.
23. In this case, whether or not extensions would be disproportionate in the Green Belt and their effect on the character and appearance of the area are main issues. This provides clear justification, in the circumstances of this case, that it would be reasonable and necessary for the Council to seek to consider whether further extensions would lead to disproportionate additions and the effect of such future development on the character and appearance of the area through the submission of a planning application. However, the scope of the condition must be precisely defined and therefore the wording is amended so that it only relates to the classes of the General Permitted Development Order which relate to extensions which could notably increase the scale or bulk of a building, namely classes A, AA, B, D and E.

Conclusion

24. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
- 2) This decision relates to drawings numbered: 24/508-08 – Proposed - Volume Calculation, 24/508-02 – Site Plan, 24/508-04 – Proposed Floor Plan, Roof Plan & Elevations, 24/508-05 – Proposed Street Scene, 24/508-06 – Proposed Recycling & Refuse Store, and 24/508- 01 – Block and Location Plans
- 3) No development shall start until tree protection details, relating to all stages of development, for the protection of all trees, hedges and shrubs to be retained on site has been submitted to and approved in writing by the District Planning Authority. These details shall observe the principles embodied within BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site, and shall be retained during the course of development.
- 4) Before the development hereby approved is occupied, full details of both hard and soft landscape works shall be submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours and hard surfacing materials,
 - ii) minor artefacts and structures (eg. refuse or other storage units, lighting etc.).
 - iii) 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.
 - iv) Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard landscape works shall be carried out before the development hereby approved is occupied.

- 5) No development of the external surfaces of the development hereby approved shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development permitted by virtue of classes A, AA, B, D and E of part 1 of schedule 2 to the Order shall be undertaken.
- 7) The existing vehicle parking and turning area at the premises (as shown on the application drawings) shall be permanently retained for its designated purposes.