
Appeal Decision

Site visit made on 18 September 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 SEPTEMBER 2025

Appeal Ref: APP/A3655/W/25/3367668

2A Eden Grove Road, Byfleet, West Byfleet, Surrey KT14 7PH

- 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 Constable of Cobham Rentals against the decision of Woking Borough Council.
 - The application Ref is PLAN/2025/0012.
 - The development proposed is change of use from E3 industrial unit to two C3 residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The description of development in the banner heading above is taken from the application form and the Council's decision notice. External works to the building are not included within the description of development for which planning permission was sought, and the appellant asserts that the building already existed. For this reason, my considerations are limited only to the description of development sought, being the change of use. Based on the information provided and the findings of my site visit, that change of use has already occurred.
3. Accordingly, the main issue in this appeal is whether the development provides an acceptable standard of accommodation.

Reasons

4. The eastern unit, being closest to the rear of 17 Brewery Lane, is single aspect with windows only in its south facing elevation. Those windows directly adjoin the footpath's edge, and, despite their slightly raised position, many passersby are able to look directly into the unit's living spaces. Despite being a cul-de-sac, Eden Grove Road contains many residential properties, who would likely use this footpath. Given the size of the unit and its layout, its occupants would have no respite from overlooking from the footpath, and they would experience substandard levels of privacy as a result. While blinds or curtains could be drawn, this would give rise to dark conditions if used for extended periods, and to obscure glaze those windows would heavily restrict outlook, contributing to the oppressive living conditions.
5. The western unit is dual aspect and includes a window and partially glazed door to the side of the building, which provide an additional direction of outlook for future occupants. However, that outlook would be limited and dominated by areas of cycle and refuse storage. Given the cycle and refuse storage would be shared

between the two units, those west facing windows and doors would similarly give relatively poor levels of privacy. While properties in the wider area display varying characteristics and relationships to the street, there is not substantive evidence of other residential units which have the same conditions as those in this appeal. Overall, for these reasons in combination, neither residential unit would provide an acceptable standard of accommodation.

6. Turning to the matter of outdoor amenity space, Policy CS21 of the Woking Borough Core Strategy 2012 (the CS) requires, among other things, that developments provide appropriate levels of public and private amenity space. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD 2022 provides recommended minimum garden amenity areas and in this case recommends a shared garden of 30sqm for each dwelling and encourages small patios or balconies. The SPD applies to all residential development, not only new build, and the proposal would fall short of its recommendations.
7. The outdoor space to the west of the building is intended to accommodate cycle and refuse storage for both units, which would severely limit the quality of the space for private domestic or leisure purposes. The shared access into that space, its direct access from the western unit, together with its proximity to the footway, would also further limit its quality as amenity space. While noting the SPD provides recommendations only, and that CS21 provides some flexibility, there is not substantive evidence to lead me to conclude that the absence of any quality outdoor space would be acceptable here. In turn this contributes to the substandard quality of the accommodation. Even if the flatted development opposite the site does not benefit from outdoor amenity space, I observed it to be set among mown grassland with benches, and it would appear to pre-date the current development plan. It does not therefore provide a justification for the quality of accommodation at the appeal site.
8. In conclusion on this main issue, the proposal would not provide an acceptable standard of accommodation for future occupiers and would conflict with Policy CS21 of the CS and the SPD as set out above. The proposal would also conflict with the National Planning Policy Framework (the Framework) which includes that decisions should support development that makes efficient use of land, taking account of matters including the importance of securing well-designed, attractive and healthy places¹, and that decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future occupiers².
9. The Council refer to Policy DM11 of the Council's Development Management Policies (the DMP), which relates to proposals including sub-divisions and conversions, and lists proposals where it applies. Based on the information before me, it is not apparent that any of those circumstances listed in DM11 apply here. As such, I am not convinced that DM11 is applicable to the appeal scheme. Neither do I find conflict with the 'Design SPD' 2015 on this main issue.

Planning Balance

10. Although there is not substantive evidence which would lead me to doubt whether the Council have a five-year land supply, I have considered whether the outcome

¹ Paragraph 129

² Paragraphs 135

of the appeal would be altered if the provisions of paragraph 11d) were to apply. In doing so I have assumed that the matter of impacts on designated habitats sites is capable of being resolved and that the policies in the Framework that protect areas or assets of particular importance would not provide a strong reason for refusing the development proposed.

11. In that situation, the adverse impact of granting planning permission would be the retention of two substandard residential units, providing poor accommodation for future occupants. The effects would be significant and long lasting and would be in conflict with the Framework as set out above, in particular paragraphs 129 and 135 which are among the key policies which should be given particular regard in applying paragraph 11d)ii. I give that harm substantial weight.
12. In terms of benefits the development would contribute two units towards the local housing supply and would contribute to the national objective to boost the supply of homes. These would be in an established built-up area with good accessibility to services and facilities and could provide an affordable form of accommodation for certain occupants. There would also be some economic benefit from ongoing expenditure into the local economy by future occupiers and the development would trigger a CIL contribution. The weight of these benefits is, however, limited by the scale of the development, and together they attract only moderate weight.
13. Even if I had considered the effects of the external alterations to the building, and even if the proposal had been found to be acceptable in terms of its effects on the character and appearance of the area, this would be a neutral matter and would not add weight in favour of the development.
14. Accordingly, having assessed the proposal against the policies in the Framework and with particular regard to the relevant key policies, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The development would not, therefore, benefit from the presumption in favour of sustainable development.

Other Matters

15. Regulation 63(1) of the Habitats Regulations indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Since the appeal is being dismissed for other reasons, and since a favourable conclusion on the effects on habitats sites would not alter the outcome of the appeal in any event, I have not considered this matter further.

Conclusion

16. For the reasons given, the development conflicts with the development plan and there are not material considerations of sufficient weight which indicate a decision should be made other than in accordance with it.

C Shearing

INSPECTOR