
Appeal Decision

Site visit made on 20 September 2016

by Stephen Brown MA(Cantab) DipArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 October 2016

Appeal Ref: APP/M3645/W/16/3146110

Stonelands Cottage, Copthorne Bank, Copthorne RH10 3RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Rob White against the decision of Tandridge District Council.
 - The application ref.TA/2015/623, dated 26 March 2015, was refused by notice dated 7 September 2015.
 - The development proposed is the erection of a two-storey dwelling house in the grounds of Stonelands Cottage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Stonelands Cottage is a Grade II listed building I have therefore paid special regard to the desirability of preserving its setting, as required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. The list description gives the name of the building as '*Stonelands Farm House*'. However, I am satisfied that it is one and the same building as Stonelands Cottage, which is how I will refer to it for the purposes of this decision.
3. The appeal property lies within the Metropolitan Green Belt, and there are 4 oak trees on the site protected under a Tree Preservation Order (TPO)¹.
4. The Council's decision notice includes reference to drawings 043-GA-200, 043-GA-300, and 043-EL-500 amongst others. I have been provided with those drawings, but all three in a different version – Revision A. The Council have confirmed that it was these revised drawings that were considered in making their determination.

Background matters

5. The appeal site lies towards the end of a short private lane off the northern side of Copthorne Bank. It constitutes roughly the western half of the extensive landscaped plot of Stonelands Cottage, of which the total area is approximately 0.3 of a hectare. Access is in the south-western corner of the garden, where there is a gravelled parking and manoeuvring area. This would become the shared parking area for both the existing and proposed houses.

¹ Tree Preservation Order No. 7, 2015 (Tandridge), confirmed on 19 November 2015.

6. The proposal is to build a two-storey 3-bedroom house roughly in the middle of the appeal site to the west of the existing house, with a separating distance of 20.5 metres between the long eastern flank of the proposed house and the side elevation of Stonelands Cottage. The new house would have a relatively simple plan form of an elongated rectangle about 20 metres long by 6.8 metres wide. It would have a clay pantiled roof, and upper walls clad in blackened oak boarding above a brick plinth. Windows and external doors would be aluminium framed. The appellant likens it to a 'contemporary barn'.
7. A previous planning application for erection of a two-storey detached house was refused in 2005, and subsequently dismissed at appeal² principally on the grounds that the development would be harmful to the setting of the listed building, and would be inappropriate development within the Green Belt for which the very special circumstances necessary to justify it would not exist.

Main Issues

8. From my inspection of the appeal site and its surroundings, and from the written representations made I consider the main issues in this appeal to be:
 - The effect of the proposals on the character and appearance of the appeal site, and on the setting of the listed building.
 - Whether the proposals would affect the health and amenity value of trees protected under a Tree Preservation Order.
 - The effect of the development on living conditions for occupants of Stonelands Cottage, in terms of privacy.
 - Whether the development would be appropriate within the Green Belt, and the effect of the proposals on Green Belt interests in the light of prevailing national and local planning policy.
 - Whether any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Character and appearance, and the setting of the listed building

9. The proposed house would be a substantial building of two full storeys - rather than the one-and-a-half storeys claimed - and together with the deck along its western side would occupy a significant part of the carefully landscaped and attractive garden around the cottage. It would be conspicuous from the lane, and particularly from the public footpath along the western side of the site, which extends across the grassy open field immediately to the north. In my opinion it would be a prominent and intrusive feature in these attractive semi-rural surroundings.
10. Stonelands Cottage was originally a modest 17th century timber-framed building with attic rooms. It has been significantly extended in the 20th century, but retains much of its original form, particularly in the eastern part.

² Decision notice ref. TA/2004/2006 dated 5 April 2005. Appeal decision ref. APP/M3645/A/05/1189913 dated 17 January 2006.

Much of its charm lies in the small scale of the historic part, and the variety of traditional materials and building elements, such as the hipped roof, the small dormer, and the porch.

11. The new house would be of considerably greater height than the one-and-a-half storey cottage, and of greater footprint. In comparison with the cottage it would appear bulky and out of scale. Although there would be a separation of more than 20 metres between the buildings, they would inevitably be viewed together, and I consider the new house would tend to dominate the scene, and appear somewhat alien in this open garden setting.
12. It appears to me that the cottage benefits considerably from its extensive garden curtilage. This would be cut down to less than half its size if the new house were built, with a boundary about 10 metres from the western elevation. In comparison with the existing situation the listed building would appear somewhat cramped in the remaining area of garden.
13. I appreciate that the appellant intends to screen the new house from the road with laurel hedging. However, the building would still be readily visible above this, and the screening itself would probably emphasise its presence. Furthermore, the new house would still be readily seen from the footpath across the field to the north.
14. The appellant maintains that the new house would be sited so as to suggest it was part of an original group of farm buildings. However, in my opinion there would be little to indicate any formal relationship between the two buildings. While I accept that the new house would have some similarity to a barn in terms of its overall shape and some of the external materials, the modern fenestration, brick chimney stack, and entrance porch are uncharacteristic elements for agricultural buildings, and would give it an almost entirely domestic appearance.
15. I conclude on the first main issue that the proposed house would cause significant harm to the character and appearance of the appeal site and the area in its vicinity, and to the setting of the listed building. The proposal would not accord with Policies DP7 and DP20 of the Tandridge Local Plan Part 2: Detailed Policies of 2014 (the Local Plan), which include aims to respect the distinctive character and appearance of areas, and to protect the settings of heritage assets such as listed buildings.

Protected trees

16. The Council also refused the application on the grounds of potential harm to the health and amenity of one of the protected oak trees on the northern boundary of the appeal site. I saw that the new house would be outside the crown spread of any of the protected trees by at least 3 metres, and the Council accept that it would be outside the root protection zone. The new house would have principal windows in its northern elevation at both ground and first floor, and it is possible there could be requests to lop branches if they were thought to cause overshadowing. Such works could significantly harm the amenity value of the trees. However, the Council's approval would be needed for these proposals. Furthermore, if I were to grant planning permission, the trees could be protected from possible damage arising during construction works by imposition of a suitable condition.

17. I conclude that the proposals would not cause significant harm to the health and amenity value of trees protected under a Tree Preservation Order, and in this respect the proposals would accord with Local Plan Policy DP7, which includes aims to protect existing features such as important trees.

Living conditions

18. There would be a distance of 20.5 metres separating the eastern flank of the new house from the western elevation of the cottage. I saw that in this western elevation are French doors to the kitchen, another small kitchen window, and a bathroom window on the first floor. With a separating distance such as this I do not consider any significant or intrusive overlooking of windows would occur. Furthermore, the distance between the separated gardens would be sufficient to ensure the reasonable degree of privacy that might be expected for outdoor amenity spaces.
19. I conclude that the proposals would cause no significant harm to living conditions for occupants of Stonelands Cottage in terms of privacy. In this respect the proposals would accord with Policy DP7 of the Local Plan, which includes aims to protect the amenities of occupants of properties neighbouring new development.

Green Belt interests

20. Paragraphs 87 and 88 of the National Planning Policy Framework (NPPF) state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
21. Paragraph 89 then sets out that the construction of new buildings is inappropriate in the Green Belt, but lists a number of exceptions including such things as facilities for outdoor sport and recreation; the extension or alteration of buildings; replacement of a building, and some forms of limited infilling. The exceptions do not include the construction of a new dwelling, and the proposal must therefore be regarded as inappropriate development in the Green Belt.
22. NPPF paragraph 79 advises that one of the essential characteristics of the Green Belt is its openness. This proposal is for a substantial new house set in what is at present an open area of garden land, its presence would significantly reduce that openness. Furthermore, a new house would be likely to accrete domestic paraphernalia in its garden – such as greenhouses, sheds and play equipment – and to give rise to increased activity in the area. These aspects would further reduce openness, and tend to urbanise the area.
23. I consider the proposals would harm Green Belt interests as a result of inappropriateness, and loss of openness. The proposals would not accord with Policy DP10 of the Local Plan, which seeks to refuse planning permission for inappropriate development on the Green Belt, and reflects NPPF policy.

Other matters

24. One of the Council's reasons for refusal relates to lack of details sufficient to confirm that the development would meet the percentage savings in carbon dioxide emissions through the provision of renewable energy technologies.

However, the appellant has put forward measures that are, or could be incorporated into the scheme, and it appears to me that a suitable condition could be imposed that would ensure that the percentage savings could be made. In this respect the proposals would accord with the aims of Policy CSP14 of the Tandridge District Core Strategy of 2008.

Other considerations that might amount to very special circumstances

25. While the area of the Green Belt may be predominantly beyond the appeal site, this does not mean that restrictions on Green Belt development become less stringent for sites on the edge of the area - such as this one. Restrictions like these have been expressed in both Government and local policy for very many years, and in my opinion it is of great importance that they should be strictly applied in all cases. In accordance with the advice of NPPF paragraph 88 I give substantial weight to the harm caused by inappropriateness and the harm to the openness.
26. The appellant suggests that the 1980s extension to Stonelands Cottage has no historic merit, and that its key features are only to be seen from the south and east. This may be the case, but the view of the cottage and the new house would be seen in the round, and the newer parts cannot be dissociated from the historic parts.
27. I appreciate that the attractive nature of the Stonelands Cottage garden may have been to some extent the result of the appellant's own work. I also realise that the garden itself is not included in the Historic England list of Historic Parks and Gardens. Notwithstanding, the garden setting is an intrinsic part of the cottage's special interest, and it is the setting that I find has been harmed.
28. Although the protected trees need not come to harm as a result of the proposals, and I do not consider there would be significant intrusion into the privacy of occupants of Stonelands Cottage, this does not provide any weight to balance against the other harms I have found in terms of Green Belt, listed building, and public amenity interests.
29. Similarly, while the lack of details on renewable energy technologies does not weigh against the scheme, neither does it lessen the harm I have found the Green Belt and other interests.
30. The appellant refers to other houses recently built on Copthorne Bank to the east of the appeal site. However, I do not know of the circumstances that led to that development. I have determined this case on its merits in the light of the material considerations, and am unable to make any comparisons with that other scheme.
31. Overall, the appellant's arguments concerning the proximity to the edge of the Green Belt, the lack of historic interest of parts of the cottage, and the nature of the garden carry little weight. Furthermore, the lack of harm to protected trees, in terms of invasion of privacy, and the provision of renewable energy technologies do nothing to justify the proposals. Taken together, I do not consider these matters are enough to clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness, harm to the character and appearance of the area, and harm to listed building interests such that they amount to the very special circumstances necessary to justify

the development. The development would not accord with the aims of Local Plan Policy DP10, which closely reflects NPPF policy on Green Belts.

Conclusions

32. I have taken account of all other matters raised, but I have found none sufficient to outweigh the considerations which have led me to my decision.

Stephen Brown

INSPECTOR