

Appeal Decision

Site visit made on 23 August 2016

by M C J Nunn BA BPL LLB LLM BCL MRTPI

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

Decision date: 28th October 2016

Appeal Ref: APP/L3625/D/16/3151426

4 Mayfields, Brighton Road, Kingswood, Surrey, KT20 6QZ

- 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 Mr A Filbin against the decision of Reigate and Banstead Borough Council.
 - The application Ref: 16/00309/HHOLD, dated 8 February 2016, was refused by notice dated 6 April 2016.
 - The development proposed is described as 'conversion of existing detached garage / workshop to provide 1 bedroom annexe ancillary to main 2 bed dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i. whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - ii. the effect of the development on the openness of the Green Belt; and
 - iii. if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal site, which falls within the Green Belt, comprises a terraced residential cottage with a small rear garden, accessed via a drive from Brighton Road. Falling partly within the rear garden is a brick building with a corrugated pitched roof comprising garages / workshops. This building straddles the boundary of the enclosed garden to No 4 and extends southwards into a communal parking area for the cottages. There are a series of double doors opening on to this area. This proposal involves converting the end section of
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the building closest to the host dwelling in order to provide a living / dining / kitchen area, with a bedroom and bathroom.

4. The Council's first reason for refusal refers to the proposal's self contained nature, lack of integration with the main dwelling and independent access, resulting in a form of development capable of conversion to a separate self contained unit. On this basis, the Council concludes the scheme would be inappropriate development. However, I do not find the Council's reasoning in this regard to be convincing. The application makes it quite clear that the proposal is for ancillary accommodation and not a new independent dwelling. There is no reason for me to doubt that the building would be occupied as ancillary residential accommodation to the main dwelling.¹ Therefore, I have assessed the appeal accordingly.
5. Of particular relevance to this appeal is Part 9 of the Framework. Paragraph 89 says that the construction of new buildings in Green Belts is inappropriate, except in certain circumstances. One of the listed exceptions is 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. The appellant argues the scheme should be considered under this exception. However, even if the re-use of the existing building for ancillary accommodation could be regarded as falling within this exception, the development as a whole cannot. This is because it involves an enlargement and enclosure of the rear garden area on to land currently used for communal parking. This element of the development would not fall within any of the categories identified within the Framework as 'not inappropriate'. I therefore conclude on the first issue that the proposal taken as a whole would constitute inappropriate development within the Green Belt.

Effect on Green Belt openness

6. The Government attaches great importance to Green Belts. The Framework states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. The conversion of a section of the existing outbuilding, with the insertion of windows and doors, would result in a more domesticated appearance. It is difficult to see how this, in itself, would significantly affect the character or openness of the Green Belt. However, the enlargement and enclosure of the garden area into the communal car parking area, whilst having little visual impact in the wider surrounding area, would nonetheless reduce the openness of this part of the Green Belt, albeit to a limited degree. Therefore, I conclude on the second issue that the proposal would diminish the openness of the Green Belt. This diminution in openness, although limited, would nonetheless harm its character.

Other Considerations

7. I have found that the development as a whole would comprise inappropriate development, which is by definition harmful. In addition to the harm by inappropriateness, there is a harmful effect on the openness of the Green Belt, although this would be limited. Consequently, it is necessary to consider

¹A suitably worded condition ensuring the outbuilding's use as ancillary to the main dwelling could be applied were I minded to allow the appeal.

whether there are other considerations weighing in favour of allowing the appeal. The appellant says that the proposal would provide much needed additional accommodation to meet family needs; that it would make the home a better place to live; and that it would improve the appearance of the converted building. The appellant also notes that the Council has not raised objections to the design of the converted building, and also mentions the scheme would be energy efficient. All this may be so. However, these factors do not weigh heavily in support of the scheme, nor do they offset the harm caused by it. Reference is also made to the Framework's aim to boost significantly the supply of housing. This proposal, whilst providing ancillary habitable accommodation, would not of itself increase the supply of dwellings. Therefore, this factor cannot weigh heavily in support of the scheme.

8. The appellant has referred to other appeals, including at Upper Buncton House, Steyning² and at Dunsborough Farm Cottage, Ripley³. Both schemes were allowed, and concerned ancillary forms of accommodation. However, the first case was not within the Green Belt. In the second, the Inspector concluded the use of the barn for ancillary accommodation not to be an inappropriate form of development within the Green Belt. The case before me differs in that the enlargement and enclosure of the garden area means that the development must be considered inappropriate development. Given the differing circumstances, I do not consider either of these examples provides justification for this appeal.
9. The appellant states he owns the land proposed for the enlarged garden area, and is entitled to enclose it. Other residents dispute this. Whatever the position, it does not alter the planning merits: the enlargement of the garden area means the scheme as a whole must be considered inappropriate development, which is by definition harmful. It should only be allowed if the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

10. I have carefully considered the various arguments made by the appellant in support of the appeal, but conclude that together they do not clearly outweigh the harm the scheme would cause through inappropriateness, or in terms of Green Belt openness. Consequently, very special circumstances do not exist. The scheme would conflict with the Framework and would be contrary to Policy CS3 of the Core Strategy and Policy Co1 of the Local Plan. Together, these policies preclude inappropriate development unless very special circumstances clearly outweigh the potential harm to the Green Belt. The development cannot therefore be justified and the appeal is dismissed.

Matthew C J Nunn

INSPECTOR

² APP/Z3825/A/14/2219412

³ APP/Y3615/A/13/2192670