
Appeal Decision

Site visit made on 29 November 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 5 January 2017

Appeal Ref: APP/M3645/W/16/3156272

Taylor's Hill, Eastbourne Road, Godstone, Surrey RH9 8EH

- 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 Robert Fairall, Fairalls of Godstone Ltd, against the decision of Tandridge District Council.
 - The application Ref TA/2016/499, dated 24 March 2016, was refused by notice dated 27 June 2016.
 - The development proposed is the erection of rear/ side extension with dormer windows in side roof slopes.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of rear/ side extension with dormer windows in side roof slopes at Taylor's Hill, Eastbourne Road, Godstone, Surrey RH9 8EH, in accordance with the terms of the application, Ref TA/2016/499, dated 24 March 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LOCATION PLAN 1:1250; BLOCK PLAN 1:500; AY:99:458:EXG:01 PLANNING DRAWINGS AS EXISTING; and, AY:99:458:01revA PLANNING DRAWINGS AS PROPOSED.

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 (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - whether the harm 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 proposal.
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Reasons

Whether inappropriate development

3. The site is located in the Green Belt where Policies DP10 and DP13 of the Local Plan Part 2: Detailed Policies 2014-2029 (LPP2) apply. Consistent with government policy set out in paragraph 89 of the Framework, Policy DP13 sets out that extensions which do not result in disproportionate additions over and above the size of the original building are an exception to the presumption that the construction of new buildings in the Green Belt is inappropriate.
4. There is disagreement over what was the original building on the site. The Council says that the original building, granted consent in 1955, was extended in 2000. This increased its volume by 48%. This proposal would increase the volume over the original building by 152%. It finds the cumulative effect of the previous and proposed extensions would be disproportionate to the original building.
5. The appellant, however, argues that the original building, which has since been lost, existed before 1955, and that the 1955 consent was for an extension to it. On this basis, he claims that the 2000 extension would have been a substantially greater increase than 48%.
6. If the original building has been lost and rebuilt, the sub-text to the exception in Policy DP13 says that when assessing proposals for the extension of rebuilt buildings, the Council will consider the original building in comparison with the present building together with the proposed extension, in order to determine whether the proposal would result in a disproportionate addition. As regards the original building, the proposed plan of the 1955 consent shows a free-standing building rather than one which extends a building, and it is not clear from the evidence regarding development history if the present building relates to the 1955 building, the pre-1955 building, or an amalgamation of the two.
7. What is clear, however, is that when comparing the present building together with the proposed extension to both the pre-1955 building, and the 1955 building, the proposal would result in disproportionate additions over and above the size of either or both buildings standing on the site in around 1955. I therefore conclude that the proposed development does not meet the exception under LPP2 Policy DP13 and that it would represent inappropriate development within the Green Belt. LPP2 Policy DP10 and paragraph 87 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

8. The appeal building is located at the relatively narrow entrance to a broad, deep bowl enclosed on three sides by very high embankments, with the character of a former mineral working area. The building to be extended stands close to one side of this bowl. Its front elevation addresses the open aspect within the site, one side elevation faces the public road behind a security fence, and the other side elevation faces a car-park leading to the broad sweep of the bowl, beyond.
9. The footprint of the rear extension would be located to the back of the building, in a storage area between the rear elevation and a high, sloping embankment. In the spatial context of the enclosing land form, and the expanse of openness

in the bowl beyond the building, the proposed rear extension, despite being two storeys, would have only a marginal effect on openness.

10. The proposed dormers would be set within the compass of the existing roof and would share its geometry. Given the scale of the enclosing sides of the bowl form of the site, and the size of the undeveloped main roof slopes, they would be visually absorbed within the roof and would not have a significant effect on the openness of the Green Belt. The side extension would extend the building to the edge of the car-park area, but being relatively narrow and single-storey, and located to the side of the building, it would not reduce the openness of the Green Belt by more than a marginal degree.
11. Furthermore, despite the proposed increase in footprint, a substantial part of the immediate environs around the building would remain open, and the overall sense of openness around the building and within the wider site, and its contribution to the openness surrounding it, would not be materially reduced. I conclude on this issue that though the proposal would lead to a loss of Green Belt openness due to the dimensional enlargement over the existing building, because of the mitigating factors in the design which would reduce its visual effect on openness, it would not undermine the Green Belt purpose of safeguarding the countryside from encroachment.

Other considerations

12. The Framework advises that inappropriate development in the Green Belt should not be approved, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. The appellant describes in detail how technological development has changed the way the business, which has 24 staff, operates and how, as a result of adapting to these changes, the existing accommodation has become cramped and does not sustain the present operation, which now includes nation-wide deliveries. His description accords with my impression of the building and the yard and the operations I saw within them. While I acknowledge the Council's position that the appellant's less sensitively located depot in the High Street might reasonably accommodate the expansion proposed at this depot, the appeal site carries the Heavy Goods Vehicles Operator's licence and space for 12 vehicles. My impression of the depot in the High Street is that it has a distinctly smaller yard, visited by smaller vehicles. Its scale of operation appears to be quite different from this depot.
14. I also note the appellant's point that there are no restrictions on storage, including heights, within the yard. Whilst it may be unlikely for the appellant to allow storage to block light from the existing windows in the building, in the context of the use of the site, this is a factor to which I attribute some weight.
15. Substantial harm arises from inappropriate development in the Green Belt. However, in this case I attribute considerable weight to the economic case that the proposed extensions would sustain the present operation on the site, which accords with the support of economic growth in rural areas envisaged in paragraph 28 of the Framework. Balanced against the very moderate harm to openness which I have identified, very special circumstances do exist in this case to justify inappropriate development in the Green Belt.

Conditions

16. In addition to the statutory time limit, in the interests of certainty it is necessary to apply a condition listing the approved plans. As the external materials are proposed to match the existing building, and they are adequately described in the drawings and in the application form, it is unnecessary to condition them. I note the observations of Surrey Wildlife Trust that the precautionary measures recommended in the appellant's Bat Survey Report should be undertaken. However, given the conclusions of the survey, and the statutory protection which exists, a condition requiring these measures would be unnecessary and unreasonable.

Conclusion

17. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR