
Appeal Decision

Site visit made on 25 April 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/C3620/D/17/3171335

Creggans, Fredley Park, Mickleham, Dorking, RH5 6DD

- 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 and Mrs N Butcher against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1673/PLAH, dated 19 October 2016, was refused by notice dated 16 December 2016.
 - The development proposed is erection of single storey detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: **first**, whether the proposal would be inappropriate development in the Green Belt; **second**, its effect on the openness of the Green Belt; and **third**, whether harm through inappropriateness or any other harm would be clearly outweighed by other considerations.

Reasons

Whether inappropriate development

3. The proposed development is for the erection of a garage in the garden of a substantial house in the Green Belt. It would be some distance from the house and clearly an independent building in its own right.
4. Policy RUD9 of the Mole Valley Local Plan (LP) (2000) relates to garages and other ancillary domestic buildings in the curtilages of dwellings in the countryside. It is broadly permissive of such development subject to certain caveats. The intention of the Policy is to meet the needs of householders for garages and ancillary domestic buildings whilst ensuring that they do not detract from the scale of the existing dwelling and the rural character and appearance of the area. The proposed building although large would not, especially given its distance from the house and the size of the plot, be so large as to cause the harm that Policy RUD9 seeks to prevent. Nor in relation to this Policy do I share the Council's concerns that it would be capable of conversion to habitable accommodation for a condition could be imposed to prevent that. Further Council concerns that the building could become a dwelling separated from the main dwelling are, in my view, unfounded. For the Council have

control over this through the need for planning permission to be obtained and given its location it would be likely to devalue the main house.

5. Given the above the proposed development would not conflict with the objectives of Policy RUD9. However, although that Policy is said to be applicable in the Green Belt it does not specifically address whether such development would be inappropriate or not in Green Belt terms. Nor, within the Policy or explanatory text does it refer to Government policy in the Framework on attaching great importance to such areas and to the protection of their essential characteristics of openness and permanence. Policy RUD9 is therefore substantially inconsistent with the Framework and should be regarded as out of date. Thus, in determining whether or not the proposal is inappropriate development in Green Belt terms no substantial weight should be placed on it.
6. Greater weight should be placed on the Framework which acknowledges the importance the Government attaches to the Green Belt and which explicitly sets out what is or is not inappropriate development in Green Belt terms. Inappropriate development, says the Framework, is regarded, by definition, as harmful to the Green Belt and should not be permitted except in very special circumstances. The Framework goes on to say that the construction of new buildings is inappropriate in the Green Belt, albeit with limited exceptions. The proposed development does not fall within any of the listed exceptions and is therefore inappropriate development in the Green Belt in terms of the Framework.
7. I conclude that the proposed development would be inappropriate development in the Green Belt. Whilst there would be compliance with the objectives of LP Policy RUD9 there would be conflict with the Framework.

Effect on openness

8. The proposal is for a substantial pitched roof garage capable of containing on the ground floor 3 parking spaces and a workshop/store and on the first-floor within the roof space a gym. In spatial terms development of the kind outlined would clearly detract from the openness of the Green Belt. The site is so well screened that the proposed garage would have little or no visual impact on public areas beyond the site. However, the openness of the Green Belt has a spatial aspect as well as a visual aspect and an absence of visual intrusion would not in itself mean that there would be no impact on the openness of the Green Belt as a result. This does mean to say, however, that in this case harm would be limited.
9. I conclude that there would be harm, albeit limited, to the openness of the Green Belt.

Other considerations

10. The appellant has not specifically referred to other considerations which might amount to very special circumstances to outweigh the harm though inappropriateness and any other harm. However, the appellant says that with this large property secure garaging is required to park the family cars. Although garage space is already provided I can see potentially a need for some additional space. However, without more substantial evidence in support no justification has been given for the proposed building.

11. This part of the Green Belt has quite a number of large houses and reference is made to many having detached garages. However, in the absence of any detail of the planning history/background of this this is a matter on which little weight should be attached.
12. Reference has been made to a recommendation in 2014, in the same District, for permission for a detached garage/store in the Green Belt at Coldharbour, Dorking. A copy of the Officer's report is provided. In my view this report is flawed. It assesses the proposal solely against LP Policy RUD9. Although reference is made to the openness of the Green Belt no assessment is made with regard to the Framework and to the issue of whether the proposal would be inappropriate or not in Green Belts terms. I appreciate the necessity for consistency in decision making. However, the Council's decision on the case before me clearly more correctly reflects government policy and is thus one to which greater weight should be attached.
13. The appellant refers to paragraphs on the Framework relating to design codes and good design which have little or no relevance to the case before me. Little weight should therefore be attached to them.

Final balancing

14. The proposal is inappropriate development which is by definition harmful to the Green Belt. The Framework requires that substantial weight be attached to this harm. I have found that there would be harm, albeit limited, to the openness of the Green Belt. Set against this harm I found that limited weight should be attached to the requirement put forward for the proposed garage, the existence of other garages in the vicinity, the concern raised on consistency and references to Framework Policies on design codes and good design. I thus find that matters raised in favour of the proposed development do not clearly outweigh the harm through inappropriateness and the harm to openness so as to amount to very special circumstances.
15. The Framework does, as the appellant outlines, have a presumption in favour of sustainable development. For decision taking this means that where the development plan is silent or relevant policies are out-of-date, as would be the case here, granting permission unless amongst other things specific policies in the Framework indicate development should be restricted. Policies relating to the protection of the Green Belt are an example of such a restrictive policy. Thus in this case a presumption in favour of sustainable development does not apply. Whilst the proposal would accord with the most relevant policy in the development plan is outweighed by the provision of the Framework.

Conclusion

16. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR