
Appeal Decision

Site visit made on 13 June 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 28 June 2017

Appeal Ref: APP/C3620/D/17/3174088

Westwood Farm, Shellwood Road, Leigh, Surrey RH2 8NV

- 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 J Sjoblom against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1942/PLAH, dated 28 November 2016, was refused by notice dated 7 February 2017.
 - The development proposed is a new garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The proposed use of the building for storage of the appellant's collection of classic cars would not fall within any of the uses listed in the National Planning Policy Framework (NPPF) that would be considered in paragraph 89 of that guidance to be not inappropriate in the Metropolitan Green Belt. The appellant agrees that the proposal would be inappropriate development. The main issues in the appeal are therefore firstly the effect of the proposed development on the openness and the character and appearance of the area, and secondly 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

3. The development plan for the area includes saved policies of the Mole Valley Local Plan of 2000 (LP) and The Mole Valley Local Development Framework Core Strategy of 2009. The NPPF is dated 2012 and post-dates both of these documents. The reasons for refusal refer to CS policy CS1 which seeks sustainable development, which in respect of the countryside within the Green Belt must take account of other policies of the CS and national guidance. The Officer's report refers to policy CS14, which advises that all new development must respect and enhance the character of the area whilst making the best possible use of the land available. Policy RUD9 of the LP seeks to control garages and other domestic buildings in the curtilage of dwellings in the countryside. Such garages will normally be permitted, provided amongst other things they are not excessive in size having regard to the size of dwelling they serve, do not constitute a dominant feature and do not detract from the rural character or appearance of the locality.
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4. The appeal site lies to the north of the group of buildings comprising Westwood Farm which consists of a large detached house, an ancillary single storey dwelling and a detached garage. A detached swimming pool building and entertainment room was granted planning permission on 17 June 2016¹ and is under construction. At that time, the Council imposed a condition restricting permitted development rights. The reason given was to protect the character and amenities of this rural area. Correspondence indicates that this followed significant enlargement of the house as well as the swimming pool project.
5. The proposed garage would be sited on an area previously occupied by a sand school and not previously occupied by any building. It would occupy a substantial area of land and would be up to 3.8 metres (m) high. It would conspicuously diminish the openness of the area immediately to the north of the farmstead. Openness, which is an essential characteristic of Green Belts, is essentially the absence of built form and does not depend on the amount of vegetation screening. The impact of this building on the openness of the Green Belt would not be mitigated by the proposed planting of an orchard or hedging.
6. In terms of character and appearance, the garage would add significantly to the volume of existing buildings associated with residential use. The Council has sought to restrict the uncontrolled spread of ancillary buildings following the grant of planning permission for the swimming pool project. Whilst utilitarian in appearance, the garage would add substantially to the existing spread of ancillary residential built form, affecting the character and appearance of the area to the extent that the rural character of the countryside would be harmed. Having regard to the aims of LP policy RUD9, as garages are already present, the addition of this garage for 6 cars would be proportionally excessive and visually out of scale. The proximity of the adjacent swimming pool building and the intention to respect a 'building line' (how this is defined is not shown) does not diminish the impact on character and appearance.
7. The NPPF advises that substantial weight is given to any harm to the Green Belt. The protection of the Green Belt is one of the main planks of national and local policy. In addition to the harm by reason of inappropriateness, there would be a significant impact on the openness of the area and the character and appearance of the countryside would be harmed. There would be a conflict with the relevant aims of CS policy CS1, LP policy RUD9 and the Green Belt protection aims of the NPPF.

Other matters

8. I have had regard to the suggestion that the proposal may constitute limited infilling on 'brownfield' (previously developed) or garden land outside a built-up area. The extent of the curtilage of the appeal property is unclear. The cultivated garden of the dwelling house does not include the appeal site. Whilst the previous sand school constituted a change of use and was operational development, it no longer exists in any recognisable form. Moreover, it would not have involved building works which would have affected openness to the extent that the proposed garage would. Paragraph 89 of the NPPF indicates that partial or complete redevelopment of previously developed sites is not inappropriate only if it would not have a greater impact on the openness of the

¹ Ref MO/2016/0689

Green Belt and the purpose of including land within it that the existing development.

Conclusion

9. Very special circumstances will not exist unless the potential harm to the Green Belt by way of inappropriate development, and any other harm, is clearly outweighed by other considerations. The need to house and maintain valuable classic cars is understood, but the existing dwelling has accommodation for cars which is proportionate. Nothing has been put forward to suggest that the desire to keep and service these vehicles at Westwood Farm in this new building comprises special circumstances, let alone the very special circumstances necessary to outweigh the harm caused. I conclude that the appeal should be dismissed.

Paul Jackson

INSPECTOR