
Appeal Decision

Site visit made on 29 June 2017

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 17 July 2017

Appeal Ref: APP/C3620/D/17/3172853

Golden Lodge, Boxhill Road, Boxhill, Tadworth KT20 7JS

- 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 Jeremy John against the decision of Mole Valley District Council.
 - The application Ref: MO/2016/1977/PLAH dated 28 August 2016, was refused by notice dated 3 February 2017.
 - The development proposed is erection of detached swimming pool outbuilding following demolition of existing stables.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached swimming pool outbuilding following demolition of existing stables at Golden Lodge, Boxhill Road, Boxhill, Tadworth KT20 7JS in accordance with the terms of the application, Ref: MO/2016/1977/PLAH dated 28 August 2016, 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: mtp/2008/089; 16057 05: B and 16057 11.
 - 3) The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing dwelling.
 - 4) The development hereby permitted shall only be used for purposes incidental to the enjoyment of the dwelling house, Golden Lodge, on the application site.
 - 5) The existing stable building shall be completely demolished prior to the commencement of construction of the development hereby permitted.

Main Issues

2. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; and
 - b) The effect of the proposal on the character and appearance of the local area, including with regard to its location with an Area of Outstanding Natural Beauty and Area of Great Landscape Value.

Reasons

Issue a) Whether inappropriate development

3. The appeal property is a detached single storey dwelling on the south side of Boxhill Road and within the Green Belt. There is a detached garage and outbuildings, including a stable block associated with the dwelling. The proposal would replace the existing stable block and hay store which was granted permission in 2008 under the Council's reference MO/2008/1186PLA with a swimming pool outbuilding.
4. The National Planning Policy Framework (Framework) sets out the government's planning policies to secure sustainable development. One of its core planning principles at Paragraph 17, as amplified later in the Framework, includes *protecting the Green Belts*. Paragraph 87 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 89 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions.
5. The Council has found that the proposal would not fall to be considered under any of these limited exceptions and has therefore found it to be inappropriate development. In particular it has concluded that the proposed building would be for a different use to the existing building and materially larger and would not therefore fall to be considered as *the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces*.
6. The Council has also questioned whether the existing and proposed building falls within the residential curtilage of the dwelling at Golden Lodge and the Appellant has refuted this point. There is limited information before me to enable an assessment to be made on this point, but taking into account the physical layout, ownership and use, including history of use, I am not persuaded by the Council's position.
7. I note from the information submitted with the appeal that one of the conditions (No 3) attached to the 2008 permission for the replacement stable block, requires it to be used only as private stabling incidental to the enjoyment of the dwelling house on the application site. The information provided by the Appellant confirms that the stable block has been used in this way and there is nothing before me to suggest otherwise. It is my view that the proposal would replace one outbuilding for a use incidental to the enjoyment of the dwelling house, with another, also for a use incidental to the enjoyment of the dwelling house. This would, in my view and in planning terms, be a building in the same use.
8. In terms of size, the existing plans compared with the proposed plans indicate that the proposal would be of similar length, albeit wider and with a higher ridge height, with the ridge height increasing from 3 m to 3.9 m. There is no guidance in the Framework or the Council's Local Plan as to what would be regarded as a material increase in size. However, I consider that both the additional area and volume would be relatively modest and would not therefore result in a building that would be materially larger than the one it would replace.

9. I therefore consider that the proposal would fall within the exception listed under paragraph 89 of the Framework relating to *the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces*. It is therefore my view that the proposal would not therefore fall to be considered as inappropriate development. The Appellant has suggested that the proposal could also be considered under some of the other exceptions set out under Paragraph 89 of the Framework but in view of my findings above I do not consider it necessary to consider these other exceptions.
10. There would be some limited increase in scale and massing of built development, but given its siting and the size of the plot as well as in comparison with the building it would replace, I do not find that it would materially harm the openness of the Green Belt.
11. The Appellant has drawn my attention to another permission granted by the Council for a swimming pool outbuilding, also within the Green Belt. However, each proposal must be judged on its individual merits and that it the basis of my assessment.
12. Taking these factors together and in the particular circumstances of this case, it is my conclusion that the proposed development would not be inappropriate development for the purposes of the Framework and development plan policy, including Policy CS1 of the adopted Mole Valley Core Strategy 2009 (Core Strategy). There is therefore no need for the development to be justified by special circumstances.

Issue b) Character and Appearance

13. Although set back from the road, and within a verdant site, the existing stable block can be partly seen in some street scene views and very limited glimpses from the public right of way running along the eastern side of the site. There is a broad mix of building styles in the immediate area including, in addition to a variety of dwellings, the adjoining Church and hall as well as the mobile home parks. The existing building appears as a smaller outbuilding to the main property within a verdant setting and I consider that this relationship and setting would continue with the proposed replacement swimming pool outbuilding. It would also not extend built development beyond the current area of development.
14. I do not therefore consider that the proposal would harm the character and appearance of the local area and given the surrounding mix of development, would not detract from the landscape and scenic beauty of the AONB. I note that the Surrey Hills AONB Planning Officer raised no concern in this specific respect.
15. I therefore conclude that the proposal would not harm the character and appearance of the local area, including with regard to its location within the AONB and AGLV. There would be no conflict with Policy ENV22 of the Mole Valley Local Plan and Policy CS13 of the Core Strategy, as well as the Framework in terms of respecting local character and distinctiveness and the natural environment.
16. A concern was raised by the AONB Planning Officer regarding the possibility of replacement stabling in the more open area to the south, but there is no

proposal before me in this regard, and it would need to be determined on its merits, were such a proposal to come forward in the future.

Conditions

17. I agree with the Council that in the interests of protecting the appearance and character of the local area it is appropriate to require matching materials with the existing dwelling, but I have been provided with no justification for the Council's suggested condition to require the further submission and approval of the proposed materials. I have added a condition to specify the approved plans for the avoidance of doubt and in the interests of proper planning. I also agree with the Council that a further condition should be imposed to restrict the use to one incidental to the use of the dwelling house, given the siting of the building and the location of the site within the countryside. I have largely followed the form of the condition previously imposed by the Council on the previous permission for the stables. Although the proposed building would necessitate the prior removal of the stables, for the avoidance of doubt and given the siting within the Green Belt and the AONB and AGLV I have required their prior removal through the imposition of a condition.

Conclusion

18. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR