

Appeal Decision

Site visit made on 24 July 2017

by Ann Skippers BSc (Hons) MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/M3645/D/17/3175572

Oakridge, Herons Lea, Copthorne, Crawley, Surrey RH10 3HE

- 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. David Jones against the decision of Tandridge District Council.
 - The application Ref TA/2017/179 was refused by notice dated 11 May 2017.
 - The development proposed is 'new double garage to be erected adjacent to the main dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - whether there would be any other harm;
 - if it 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 the proposal is inappropriate development

3. The Framework states that the Government attaches great importance to Green Belts and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It explains that new buildings should be regarded as inappropriate, but highlights, in paragraph 89, a number of exceptions including the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces, and the extension or alteration of a building
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provided it does not result in disproportionate additions over and above the size of the original building.

4. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (LP) states that permission for inappropriate development will normally be refused and will only be permitted where very special circumstances exist in line with the Framework.
5. LP Policy DP14 permits ancillary domestic buildings in the curtilage of dwellings in the Green Belt subject to four criteria. In summary, these are that such buildings should not constitute a dominant feature or be excessive in size, do not detract from the rural character or appearance, are not to replace any existing garage converted to residential use and must be used for purposes incidental to the enjoyment of the dwelling. Compliance with this policy is taken to constitute very special circumstances in Tandridge District.
6. The appeal proposal is for a detached triple garage. At the present time the property has the benefit of an existing attached garage, but permission has recently been granted to convert it to residential accommodation potentially creating a separate unit on the ground floor with a first floor extension over, but this has not yet been implemented (ref 2017/141).
7. If the proposal was to be regarded as a replacement for the existing garage there is no evidence in the appeal proposal that the existing garage would be removed. In fact the existence of application 2017/141 indicates the contrary position. Furthermore, taking a pragmatic approach in the absence of any local level policy or guidance, the proposal would have a greater depth, width and height than the existing garage and be materially larger. It would therefore be regarded as inappropriate development.
8. If an alternative view were taken that the proposal is not a replacement building but is a new building, it would be regarded as inappropriate development as it does not fall within any of the exceptions in paragraph 89.
9. Consequently the proposal would be inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework and LP Policy DP10. I attach substantial weight to this.

The effect on the openness of the Green Belt

10. Openness is an essential characteristic of the Green Belt.
11. Oakridge is a substantial detached dwelling set in extensive grounds. It forms part of a residential area which consists in the main of large, individual designed detached properties on substantial plots. The front of the property is relatively open and laid largely to grass and there are a number of trees. Access is taken from a long drive.
12. The proposed garage would occupy a large area which is currently open increasing the amount of ground coverage by building by a considerable amount.
13. Although relating well to this large house, it would extend the built development further forward towards the road despite being set back from it by a considerable distance. It would reduce the space between Oakridge and its

neighbour Amberglade as it would be built close to the common boundary between the two properties.

14. As a consequence it would reduce the openness of the Green Belt both from a spatial and a visual aspect. It therefore would be moderately harmful to openness bearing in mind the locational context of the site.

Any other harm

15. Turning now to character and appearance, the area is not particularly rural in character or appearance as it consists of a residential estate albeit spaciouly laid out; the building would not harm the character and appearance of the plot or locality. This then is a neutral factor which would not weigh for or against the proposal.

Other considerations

16. I now turn to other considerations not already addressed elsewhere.
17. I note that no objection is raised in relation to the effect on neighbouring properties and that no objections were received in relation to the proposal. However, these matters do not amount to positive considerations in favour of the appeal; rather they do not add any additional harm.
18. The existing garage, presently used for storage, is of a small size for a double garage of modern day standards and expectations as the appellant indicates. It is therefore likely that any replacement facility would be larger to serve a property of this size. The appellant has indicated that the proposal represents a suitably dimensioned garage which would provide security and safety to enable enjoyment of his home. The proposed garage would accommodate the parking of vehicles in a safe and secure manner. I attach a moderate amount of weight to this.
19. The existing garage is not in a particularly good state of repair or condition and arguably detracts from both the dwelling's appearance and that of the immediate locality. I attach a small amount of weight to this.
20. I agree with the appellant that the existing garage could not be adapted or extended to accommodate reasonable needs without some difficulty. I attach a small amount of weight to this.

Conclusion

21. Having established that the proposal is inappropriate development, the criteria of LP Policy DP14 fall to be considered. Its supporting text explains that new garages are inappropriate development but nevertheless would be a reasonable addition to the domestic use of the property, but to be permitted there need to be very special circumstances. Compliance with LP Policy DP14, the LP states "would in effect constitute very special circumstances".
22. I agree with the Council's view that the building would not be a dominant feature set against the background of the dwelling. Whilst it is a large triple garage of considerable size, it is not excessive in relation to the host dwelling and is similar in size to other garages in the locality. The building's proposed

use would be for purposes incidental to the enjoyment of the dwelling. I therefore agree with the Council's view on these matters.

23. However, criterion 3. states "are not to replace any existing garage that has been converted to residential use". I consider this criterion seeks to prevent the scenario where a garage or similar ancillary building is constructed, converted into accommodation, another ancillary building is constructed and then converted and so on. This would have a cumulative effect on the Green Belt potentially undermining its essential characteristics of openness and permanence and the purposes of including land within it.
24. At present, the garage would not replace the existing garage as there is no indication this would be demolished as part of this proposal. It would therefore be an additional, new, building. It is rather more likely though to replace the existing garage which is likely to be converted to residential accommodation. Although this has not yet taken place, the recent permission and the information before me from the appellant point to the realistic prospect of that occurring. In this respect, the proposal would not then comply with this criterion of LP Policy DP14.
25. Overall, having balanced the various matters, I find that the other considerations in this case do not clearly outweigh the totality of the harm that I have identified and the conflict with LP Policies DP10 and DP14 and the Framework. Consequently, the very special circumstances necessary to justify the development do not exist.
26. Accordingly, for the reasons given above and having had regard to all other matters raised, I conclude the appeal should not succeed.

Ann Skippers

INSPECTOR