

Appeal Decision

Site visit made on 31 October 2017

by Timothy C King BA (Hons) MRTPI

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

Decision date: 22 November 2017

Appeal Ref: APP/C3620/D/17/3179825

Youngs, Coles Lane, Ockley, Dorking RH5 5LT

- 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 Peter Charles Calvert against the decision of Mole Valley District Council.
 - The application Ref MO/2017/0011/PLAH, dated 31 December 2016 was refused by notice dated 8 May 2017.
 - The development proposed is described as '*Demolition of an existing shed and erection of a new proposed shed within formal gardens.*'
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Decision

1. The appeal is dismissed.

Main Issues

2. The site lies within the Metropolitan Green Belt. The dwellinghouse is also a Grade II listed building, and the proposed shed would be sited within its curtilage.
 3. In May 2017 the Council granted listed building consent for the proposed development which, following the refusal of planning permission, is now the subject of an appeal. The proposed shed would be positioned significantly further from the listed building than is the shed to be demolished. In the circumstances I consider that the statutory test under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been met with special regard having been had to the desirability of preserving the listed building or its setting.
 4. Given the above, the main issues in this appeal are:
 - i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - ii) the effect of the proposal on the openness of the Green Belt, and whether the proposal would result in any other harm; and
 - iii) if it is inappropriate development whether the harm by reason of inappropriateness and by reason of any other harm is clearly outweighed by
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other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

5. The shed scheduled for demolition is a modest store building which, at approximately 100 years old, is in a state of some disrepair and no longer serves the requirements of the applicant. It is proposed to replace it with a substantially larger three-bay, oak-framed storage shed. Its width would be considerable, running to a similar distance as the depth of the farmhouse dwelling. Its height would also be significant, reaching some 4.6m to the ridgeline. Given its size, rather than refer to it as a 'shed' I will, instead, term it an outbuilding.
6. Whereas the building to be replaced lies close to the dwelling the proposed outbuilding would lie close to the garden's boundary. It would be used primarily for the storage of garden maintenance equipment, and access would be gained to the garden, via the access track, through the building's gated mid- section.
7. The Framework states that inappropriate development is, by definition, harmful to the Green Belt. All development is inappropriate unless, in the case of any new building constructed, it falls within one of the exceptions referred to in paragraph 89 of the Framework. This includes the replacement of a building, providing that the new building is in the same use and not materially larger than the one it replaces.
8. The Council considers that the proposed building, although similarly ancillary to the site's residential use, would be materially larger than that which exists. On the basis of the submitted plans, which clearly illustrate the extent of the building's footprint and its various dimensions, I must agree with the Council's assessment.
9. On this main issue I thereby conclude that the proposal would constitute inappropriate development within the Green Belt for the purposes of the Framework.

The effect of the proposal on the openness of the Green Belt

10. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open.
11. In order not to adversely impact in this regard domestic outbuildings, such as that proposed, should not materially harm the openness of the Green Belt through excessive bulk or intrusion. In this particular instance, due to the outbuilding's substantial width and height, its extensive footprint, and its positioning close to the edge of the garden, the proposed development would have such an impact.
12. Accordingly, I conclude that the proposed outbuilding would be potentially harmful to the Green Belt's openness, thereby conflicting with the advice within the Framework. The appellant highlights Policy RUD9 of the Mole Valley Local

plan which, he considers, supports the proposal. However, this policy does not specifically relate to development within the Green Belt.

13. I have not identified any other harm that would occur from the proposal.

Very special circumstances

14. The Framework sets a high hurdle to be cleared before inappropriate development can be approved. In instances where such development has been identified other considerations must outweigh the totality of harm before very special circumstances might be found.

15. There is no fallback position in this instance by way of the normal permitted development entitlement under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order, 2015. These rights which, subject to certain provisos, would allow for buildings incidental to the enjoyment of the dwellinghouse to be erected, do not apply in instances such as this where the development would be within the curtilage of a listed building.

16. The dwelling's side facing windows look directly towards the existing shed and the appellant has indicated that removing the existing dilapidated shed would allow for an improved outlook from the dwelling's side facing windows. The Design and Access Statement also comments that the proposal would improve the setting of the dwelling although, given the building's bulk, I must disagree. The appellant, in support of the proposal, also mentions that the additional floor area is necessary as pieces of mechanical gardening equipment, including ride-on lawn mowers, require adequate dry storage facilities plus maintenance work space.

17. I can understand the practical reasons for the proposal but, from the evidence provided and also the findings from my site visit, I have not identified anything sufficiently material to show that the harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. I must therefore conclude that the very special circumstances do not exist in this instance.

Conclusion

18. I have found harm on the relevant main issues, which is compelling. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR