

Appeal Decision

Site visit made on 7 November 2017

by Timothy C King BA (Hons) MRTPI

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

Decision date: 19 January 2018

Appeal Ref: APP/M3645/W/17/3180447

Land rear of 43 Paynesfield Road, Tatsfield TN16 2BG

- 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 & Mrs Philibert against the decision of Tandridge District Council.
 - The application Ref TA/2017/536, dated 24 January 2017 was refused by notice dated 22 May 2017.
 - The development proposed is described as '*The demolition of the existing garage and erection of a detached dwelling with associated access, parking and landscaping.*'
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Decision

1. The appeal is dismissed.

Main Issues

2. The site lies within the Metropolitan Green Belt, and 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 on the openness of the Green Belt;
 - iii) the effect on the character and appearance of the surrounding area, and;
 - iv) if it is inappropriate development, whether the harm by reason of inappropriateness and by reason of 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 National Planning Policy Framework (the Framework) indicates that the construction of new buildings should be regarded as inappropriate development in the Green Belt. Such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
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4. There are some exceptions to this, as set out in paragraph 89 of the Framework, where new buildings would not necessarily constitute inappropriate development. One of these involves limiting infilling in villages. In this particular case the appeal site comprises the majority of the land in use as the rear garden of No 43 Paynesfield Road. It is, however, in different ownership from the existing house and its more immediate curtilage. The proposal would involve the development of a four bed, chalet type dwelling.
5. The Council's Proposals Map shows that the appeal site forms the southern end of a strip of land which falls just outside the Tatsfield Village boundary. The appellants, in questioning the actuality of this designation, refer to the case of *Wood v Secretary of State for Communities and Local Government and another* whereby a decision to grant outline planning permission on appeal was successfully challenged in the High Court. In reaching judgement it was found that settlement boundaries on Councils' Proposals Maps should not be determinative of the extent of a village for assessing proposals for limited infilling, and that the actual position on the ground should be assessed.
6. At my site visit I observed the appeal site and the significance of its relationship to the various pieces of land it adjoins. The rearmost section of site, upon which a domestic garage is situated, fronts Westmore Road, an unadopted road which, on its opposite side, has been developed with a series of detached houses. Further, there also exists some limited residential development to the south towards Westmore Road's junction with Crossways. In contrast, the strip of land immediately to the north of the site, although appearing as garden land at the rear ends of the residential properties further up Paynesfield Road, becomes progressively more overgrown and detached from the mainly residential character of the southern section of Westmore Road.
7. Although the site itself is shown as outside the Village boundary, due to its appearance, its use by the occupiers of No 43 Paynesfield Road, the double garage and also the presence of a garden outbuilding, it relates most closely with No 43. As such, the appeal site's exclusion from the defined boundary by way of the Proposals Map does not here fully represent the position on the ground and I consider that the appeal site is reasonably within the village's confines.
8. Nonetheless, it does not necessarily follow that the proposal, in its setting, would constitute infill development. Infill, in such context, would generally involve the development of a small gap along a continuously developed highway frontage within an identifiable group of buildings. In this particular instance the site is distinctly separated from the residential development to the south by the curtilage of No 41. At the far end of No 41's rear garden is a small garage accessed from Westmore Road.
9. With this physical relationship the proposed two-storey dwelling would relate poorly to the adjacent modest garage building. Most importantly, the site represents the transitional point from the residential character on the east side of Westmore Road to that of undeveloped land with a progressively semi-rural feel. The prevailing pattern of development does not allow for infill in its recognised sense. Further, given that I have found that the appeal site lies within the village's confines and is in use as rear garden I do not accept the

appellant's view that the site should constitute previously developed land. Accordingly, the judgement of *Dartford BC v DCLG 2017* is not directly applicable to this appeal.

10. The appellants make reference to other appeal decision letters which they consider support their case. However, these only illustrate that each case has its own individual circumstances and characteristics. I note that one case involved the development of a modest sized gap between housing, another related to a site amongst a clearly identifiable frontage of buildings and the third case involved a corner site. No real parallels can thereby be reasonably drawn.
11. I find that the proposal would not represent 'limited infilling' in villages and, in not falling within this particular exception, I conclude that the proposal would constitute inappropriate development within the Green Belt for the purposes of the Framework. It would also be contrary to the requirements of Policies DP10, and DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 (LP).

Effect on the openness of the Green Belt

12. 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.
13. The proposal would involve the erection of a substantial two-storey dwellinghouse. This would introduce a new building which, due to its considerable bulk and intrusive form, would materially harm the openness of the Green Belt. It would also have a much greater impact on the openness of the Green Belt than is currently the case with No 43's domestic garage and shed that occupy part of the site. It thereby also fails another of the exceptions mentioned in paragraph 89 of the Framework.
14. Accordingly, I conclude that the proposed dwelling would be harmful to the Green Belt's openness, thereby conflicting with relevant advice within the Framework and also the requirements of LP Policy DP13.

Character and appearance

15. The proposal would involve the loss of an area of pleasant rear garden and its development with a four-bed dwelling set close to its side boundaries. I must agree with the Council on this main issue in that I find that the dwelling would appear unduly cramped in its setting and would fail to satisfactorily integrate within the Westmore Road streetscene. The 4-bed dwelling's proposed design is not at issue. The concern relates, instead, to its considerable size and its footprint relative to the width of the plot and its boundaries. The amendments to the site plan referred to by the appellants have not mitigated sufficiently in this regard.
16. I conclude that the proposal would be harmful to the character and appearance of the surrounding area and would conflict with the design objectives of LP Policies DP7 and DP8 and also Policy CSP18 of the Tandridge Core Strategy.

Other matters

17. With reference to the Proposals Map the Council has linked the appeal site to the adjoining strip of land immediately northwards on the basis that it might form part of a site to be released as future land for housing. The Council, in conjunction with the preparation of a new Local Plan, recently carried out a consultation exercise entitled 'Green Belt Sites within an Area for Further Investigation' as part of a Housing and Economic Land Availability Assessment.
18. The consultation document indicated that the wider site (T005) could yield ten new dwellings and would form part of an area to be inset and excluded from Green Belt designation. However, I understand that the emerging Local Plan is only in its early stages and I must therefore attach little weight to this matter.
19. The appellants make reference to LP Policy DP12, but this does not support their case given that the appeal proposal cannot be termed 'infilling within an existing substantially developed frontage', which is the wording of the requirement in the policy for development within the defined village of Tatsfield.
20. The appellants also mention that the proposal would contribute to housing need. This might be the case but it would only involve one additional unit. Moreover, any benefit would be significantly and demonstrably outweighed by the resulting adverse impacts which I have identified.

Very special circumstances

21. The Framework indicates that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
22. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

23. I have found harm on all the 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