The Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/M3645/D/19/3223742
Sonmiani, East Hill, Dormans Park, East Grinstead RH19 2NF

- 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 Paul Dean against the decision of Tandridge District Council.
- The application Ref TA/2018/2242, dated 14 November 2018, was refused by notice dated 21 January 2019.
- The development proposed is a detached car port and store.

Decision

1. The appeal is allowed and planning permission is granted for a detached car port and store at Sonmiani, East Hill, Dormans Park, East Grinstead RH19 2NF in accordance with the terms of the application, Ref TA/2018/2242, dated 14 November 2018, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: 14/11/001, 14/11/002, 14/11/003, 14/11/005, 14/11/006, 14/11/007 and 14/11/009.

    3) The building hereby permitted shall be finished in external materials of a specification which is first agreed in writing by the local planning authority.

Procedural Matter

2. According to the Application Form, the proposal is for a 'detached car porch and store'. I have amended the description to 'detached car port and store' as this is more accurate.

Main Issues

3. The main issues in this case are as follows:
    - Whether or not the proposal amounts to inappropriate development in the Green Belt;
    - Its effect on the openness of the Green Belt; and
    - If it does amount to inappropriate development, whether the harm by reason of inappropriateness, and any other harm resulting from the proposal, is

clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not inappropriate development

4. The appeal relates to a large detached dwelling sitting within a generous plot. It is located within a residential area which is home to other large properties and it lies within the Green Belt.

5. The National Planning Policy Framework (the Framework) directs that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. One of these outlined in paragraph 145 is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (exception 'c').

6. Policy DP10 of the adopted Tandridge Local Plan (LP) explains that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused. It goes on to advise that proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm. This approach accords with the approach of the Framework.

7. The Framework does not include a specific exception for detached garages or domestic buildings. However, policy DP14 of the LP specifically relates to new garages and other ancillary domestic buildings in the Green Belt. It explains that such structures will be permitted where they do not constitute a dominant feature and are not excessive in size having regard to the size of the dwelling they are to serve, they do not detract from the rural character or appearance of the locality, they do not replace any existing garage that has been converted to residential use and they would not be used for any purpose which is not incidental to the enjoyment of the associated dwelling. My reading of the supporting text to this policy is that it seeks to facilitate the erection of garages and other ancillary domestic buildings on the basis of 'very special circumstances' if the specific requirements of the policy itself are met.

8. The Council is satisfied that the proposed car port and store would not be a dominant feature, would not be excessive in size having regard to the dwelling it would serve and it would not detract from the character and appearance of the local area. I agree. However, the Council does consider that the proposal amounts to inappropriate development because it would replace an existing integral garage following the grant of planning permission for its conversion to habitable space, contrary to one of the requirements of policy DP14 of the LP.

9. In this particular case, the proposed car port and store would sit very close to the host dwelling. For this reason, I consider that it should be assessed on the basis of exception 'c' of paragraph 145 of the Framework, as outlined above, rather than against the tests of DP14.

10. I understand that the dwelling has been extended in the past. However, as I have no details relating to the size of the enlargements, it is not possible for me to establish the size of the original building with any certainty. That said, the appeal dwelling is large, it sits within a large plot and it is surrounded by other large dwellings; some of which have large detached garages. On this basis, it seems probable to me that the original building was sizeable. Furthermore, the Council has raised no concerns about the actual size of the proposed structure or how it would sit in relation to the character and appearance of its surroundings.

11. I am also mindful of the two recent examples highlighted by the appellant where detached garages have been permitted following the conversion of an existing integral garage to habitable accommodation at Prelude and Willows Edge, both within Dormans Park.

12. In light of the above and in the absence of any compelling evidence to the contrary, I am as satisfied as I can be that the proposal would not amount to a disproportionate addition over and above the size of the original building. On this basis, I find that it does not amount to inappropriate development in the Green Belt. Accordingly, it need not be justified on the basis of very special circumstances.

Openness

13. As I have explained, the Council is satisfied that the proposed building would not be overly large and would not harm the character and appearance of the local area. In any event, as I have found the proposal does not amount to inappropriate development, it follows that any impact on the openness of the Green Belt would be within accepted parameters.

Overall Conclusion

14. I conclude, on the basis of the information available to me, that the proposal meets the test of exception 'c' of paragraph 145 of the Framework and therefore does not amount to inappropriate development in the Green Belt. As a result, there is no conflict with the Framework or the overall aims of the development plan policies referred to above.

Conditions

15. In addition to the standard conditions which limit the lifespan of the planning permission and direct that the development takes place in accordance with the approved plans, the Council has suggested a condition to ensure that the external materials of the structure match those of the existing dwelling. According to the Application Form, the building would be finished in 'timber' and 'clay tiles'. Whilst the clay tiles should match those fitted to the roof of the host dwelling, the predominant finish of its walls is brick and a hanging tile. On this basis, a more appropriate condition would be for the precise specification of the finishing materials to be controlled in order to ensure a visually acceptable development. In allowing the appeal, I shall impose a suitably worded condition accordingly.

David Fitzsimon INSPECTOR