



Appeal Decision

Site visit made on 17 April 2019

N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/M3645/W/19/3221613

Roselea, Newchapel Road, Lingfield, RH7 6BJ

- 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 and Mrs Joan and Jason Hammersley against the decision of Tandridge District Council.
 - The application Ref TA/2018/2147, dated 30 October 2018, was refused by notice dated 20 December 2018.
 - The development proposed is described as construction of detached dwelling and 2 x single garages with carports. Demolition of 2 garages and summerhouse (resubmission of TA/2017/930).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has sought to alter the appeal proposal by removing a car port from it post the issue of the Council's decision notice. I consider that the suggested amendment would materially alter the appeal scheme and appeals should not be used to advance development proposals. Accordingly, I have used the description provided on the planning application form and have assessed the proposals on that basis.

Main Issues

3. The main issues in this case are:
 - a) Whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the policies of the Development Plan;
 - b) The effect of the proposal on the openness of the Green Belt;
 - c) The effect of the development on the safe and free flow of traffic;
 - d) The effect of the proposal on the character and appearance of the area;
 - e) The quality of living accommodation that would be provided; and
 - f) If the proposal 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 required to justify it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The appeal site comprises a detached dwelling with a reasonably large side garden. It is proposed that two existing garages and a summerhouse at the site would be demolished and that a detached house and two garages with carports would be built to the side of the existing house.
5. The Framework sets out, at Paragraph 145, that the construction of new buildings in the Green Belt should be regarded as inappropriate but for a series of exceptions. Whilst the Design and Access Statement submitted with the planning application that is the subject of this appeal appears to accept that none of those exceptions apply and that the proposal should be regarded as 'inappropriate', there is some suggestion in the appellant's Statement that the proposal could be viewed as 'limited infilling in villages' (criteria 'e').
6. Whilst I note that the site is near to Lingfield, that the road is subject to a 30mph speed limit, and that the appellant considers themselves to live amongst that settlement, the site does not fall within a village. Policy DP13 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 (TDLP) specifies that development may take place with the 'defined villages'. There is no evidence before me that the site does fall within such an area. Accordingly, and whilst it appears to me that the proposal would constitute 'infilling' I do not find that the exception should apply.
7. Furthermore, I do not consider that any of the remaining exceptions apply to this development. Consequently, I find that the development would constitute inappropriate development in the Green Belt, which according to paragraph 143 of the Framework is, by definition, harmful.

Whether the proposal would cause harm to the openness of the Green Belt

8. Openness is an essential characteristic of Green Belts. It can be taken as the absence of buildings and development. The appeal scheme would result in the introduction of a substantial building at the site. Whilst some smaller buildings would be demolished first, the scale and site coverage of the proposed house would far exceed those structures.
9. As such, I find that the development would reduce the openness of the Green Belt, in conflict with its fundamental aim of keeping land permanently open as set out in the Framework. Although, in isolation, the loss of openness would be fairly limited, nonetheless there is material harm arising from this, in addition to that arising from the inappropriate nature of the development.
10. The development would conflict with policies DP10 and DP13 of the TDLP, which seek to manage development in the Green Belt, and to reduce harm being caused to it, in addition to the policies of the Framework.

Highway Safety

11. The Council's concern is that the space around the building would not accommodate the manoeuvring of a vehicle on the site so that it could leave the site in forward gear. The appellant does not appear to dispute this but suggests that the scheme could be amended to remove the proposed carport

(which the Council suggests is undersized), which would allow the necessary space.

12. I have explained that I have assessed this appeal on the evidence before me, which includes plans showing the 'problematic' car port annotated as being proposed. Whilst the Council appears comfortable with the suggested amendment, in the absence of detailed plans from which a firm conclusion on the matter could be reached, I cannot be satisfied that the Council would not be prejudiced by this material change to the proposals at this stage.
13. Accordingly, I must conclude that the effect of the proposal, as set out before me, on the safe and free flow of traffic would be unacceptable, contrary to Policies CSP12 of the Tandridge District Core Strategy 2008 (CS) and policies DP5 and DP7 of the TDLP, which amongst other requirements, seek to ensure that highways arrangements are satisfactory.

The effect on the character and appearance of the area

14. The area within which the site is located is characterised by ribbon development along the road, with a range of detached and semi-detached buildings set within reasonably spacious plots.
15. Whilst I agree with the Council that the gaps between buildings contribute towards the local character, I do not consider that the introduction of the appeal proposal would detract from that character. There would still be a gap between the existing and proposed houses, with the proposed garages being single storey and allowing views over the top of them.
16. The next building to the west is located a fair distance in from its boundary with the appeal site. That space, when taken together with the left between the side wall of the proposed house and that boundary would result in a substantial space being retained. Further, I do not consider that the site would appear cramped or that the building would be located too near to any of the site's boundaries.
17. There appears to be no dispute between the parties that the design of the building, in itself, would be acceptable and overall, I consider that the development would be compatible with the character of the area, in accordance with Policy CSP18 of the CS and policies DP1 and DP7 of the TDLP, in so far as they seek to ensure that new development is of an acceptable design and layout for its context.

Living conditions

18. The house would be served by a garden to the side and rear of the building. Whilst not very substantial, it would be of a reasonable size and useable layout. There would be space for sitting outdoors and hanging washing out. It would be supplemented by views over the open countryside beyond the site. Overall, and in the absence of evidence of a policy standard from the Council, I accept that the quality of accommodation provided at the site would be adequately high. The appellant has confirmed that the remaining garden space at the original property would be suitable for their needs, and I have no reason to doubt that.

19. As such, I consider that it would comply with Policy DB7 of the TDLP, in so far as it seeks to secure an acceptable standard of accommodation for existing and future occupiers.

Other considerations and Conclusions

20. Whilst I have found that the appeal development would not cause harm to the character and appearance of the area and that the quality of accommodation provided would be acceptable, the proposal would be inappropriate development in the Green Belt, which would, by definition be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt. There would also be harm to the safe and free flow of traffic, based on the scheme before me.
21. I have given careful consideration to the various points put forward by the appellant in support of the scheme. These centre on the identified need for new housing in the local area, which the Council does not appear to dispute, and the contribution (albeit modest) that the appeal scheme would make towards helping to meet that. I have also had regard to the potential allocation of land near to the site for housing and the visual benefits associated with removing the existing garaging from the site. I accept that there are reasonable connections from the site to local facilities, including public transport links.
22. These factors would not, though, clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would be in conflict with the Development Plan, when taken as a whole. Accordingly, the appeal should be dismissed.

N Smith

INSPECTOR