



Appeal Decision

Site visit made on 17 July 2019

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/C3620/D/19/3228926

Wayside Manor Farm, Norwood Hill Road, Charlwood, RH6 0ET

- 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 Mrs Katrina Mulligan against the decision of Mole Valley District Council.
 - The application Ref: MO/2019/0232/PLAH, dated 5 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed is replacement of existing old unsound wooden garage structure with barn-style oak framed, wooden side-boarded garage and store. Works to include replacement of concrete floor and a tiled roof in keeping with the house.
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Decision

1. The appeal is allowed, and planning permission is granted for replacement of existing old unsound wooden garage structure with barn-style oak framed, wooden side-boarded garage and store. Works to include replacement of concrete floor and a tiled roof in keeping with the house, at Wayside Manor Farm, Norwood Hill Road, Charlwood, RH6 0ET in accordance with the terms of the application, MO/2019/0232/PLAH, dated 5 February 2019 and subject to the conditions listed in the schedule at the end of this decision.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt and character and appearance of the rural area, and
 - if the development 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 inappropriate development

3. The site is within the Metropolitan Green Belt, outside any settlement boundary and within the open countryside. The national policy advice in the Framework has to be read together with the relevant development plan which in this case includes the Mole Valley Core Strategy and Mole Valley Local Plan. Core Strategy policy CS1 indicates that in the countryside development will be considered in the light of other policies within the Core Strategy and the provisions of PPG2 'Green Belts'. This policy is out of date insofar as advice on Green Belts in PPG2 has been replaced by the Green Belt objectives of the Framework.
4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure 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 resulting from the proposal, is clearly outweighed by other considerations.
5. The construction of new buildings is to be regarded as inappropriate development in the Green Belt, subject to certain exceptions, including, criterion (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. The existing garage has a footprint of around 29.16 square metres, whereas that of the proposed replacement garage would be approximately 47.46 square metres, resulting in an increase of around 62.75%. The height of the existing garage is around 3.4 metres and the proposed garage would be around 4.4 metres high. The volume of the proposed garage would increase by approximately 100%. It is clear to me that, although the proposed garage would primarily be in the same use, it would be materially larger than the existing garage. The proposal would not meet the exceptions for replacement buildings and would constitute inappropriate development in the Green Belt.

Effect on openness, character and appearance

7. The proposed garage would be built using an oak frame with back painted weatherboarding and a clay tile roof. It would have the appearance of a rural outbuilding with only a single small window opening. It would be accessed via a driveway from Norwood Hill Road. The driveway passes through tree cover which provides screening for the appeal site, particularly when the trees are in leaf, and public views of the replacement garage would be limited. Despite this, the proposed building would slightly reduce the openness of the Green Belt, because of its increased size and height.
8. The garage would serve the three storey semi-detached house of Wayside Manor Farm, which has 7 bedrooms and 4 reception rooms and is set within just under 1 acre of grounds. It would not be particularly excessive in size in relation to the house and would not be a dominant feature in the landscape. In this respect the proposal would comply with Local Plan policy RUD9. Although the appellant has no intention of converting the garage for subsequent

residential accommodation, it would be capable of conversion. However, a condition could be imposed to restrict the use of the garage for vehicle parking and domestic storage only.

9. I find that the proposed garage would have a limited detrimental effect on the openness of the Green Belt and would not harm the character and appearance of the rural area. Subject to a condition restricting the use of the garage, the proposal would comply with Local Plan policy RUD9.

Other Considerations

10. The appellant has referred to other developments in the area. However, the circumstances of these would have been different compared with those at the appeal site.
11. I saw at my site visit that the wooden garage is in poor condition and has a moulded roof covering shaped to replicate tiles. The appellant has explained that the replacement garage would house a sit-on-mower, bicycles and two vehicles. Effectively the new garage would be around 1 metre higher and 3 metres longer than the current structure. Providing a larger garage would enable the appellant to avoid erecting other outbuildings under permitted development rights and to retain the undeveloped garden area.
12. The increased height of the garage is a result of the intention to use clay tiles to match those of the main house, and which require a steeper pitch. It was apparent at my site inspection that the adjoining semi-detached dwelling of Wayside Minor has in part a steeply pitched tiled roof, which the proposed garage roof will also complement in form and appearance.
13. I find that the proposal would result in significant practical benefits and improvement in its appearance when compared with the existing structure. The existing garage is in need of repair or replacement and the proposal would avoid the need for other outbuildings in the curtilage of the dwelling. In addition, the design of the garage would be an improvement because of the use of clay tiles and would complement the form and scale of the existing dwellings.

Conditions

14. I have considered the conditions suggested by the Council and have added a condition to require that the proposed garage should only be used for parking vehicles and domestic storage, in accordance with the application details. In addition to the standard condition for the timescale for the commencement of development, a condition is included to confirm the approved plans. I consider that the use of materials to match those in the existing building, as suggested by the Council would be inappropriate. Instead a condition is imposed to confirm the proposed external materials as submitted in the application, in order to ensure that they complement the character and appearance of the rural area. The main parties were consulted on the proposed conditions.

Conclusion

15. Substantial weight must be given to the harm to the Green Belt by reason of inappropriateness and conflict with Core Strategy CS1. However, I find that the harm by reason of inappropriateness and limited harm to the openness of the Green Belt is clearly outweighed by the other considerations which I have identified above, so as to amount to the very special circumstances necessary to justify the development.

Martin H Seddon

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. P 01/01 Rev 01.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 182556 03 A, Proposed Layout: 182556 04 C, 2 Bay Garage with Stores: Planning Drawing P 01/01 Rev 01.
4. The garage hereby permitted shall be kept available at all times for the parking of motor vehicles and ancillary domestic storage by the occupants of the dwelling and their visitors and for no other purpose.

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