
Appeal Decision

Site visit made on 22 August 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 5th September 2019

Appeal Ref: APP/M3645/D/19/3231896

138 Harestone Hill, Caterham CR3 6DH

- 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 and Mrs N Mulvihill against the decision of Tandridge District Council.
 - The application Ref TA/2019/619, dated 26 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is the erection of a single storey modular 'granny annex' within the rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey modular 'granny annex' within the rear garden of 138 Harestone Hill, Caterham CR3 6DH in accordance with the terms of the application, Ref TA/2019/619, dated 26 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan and Garden Building Specification.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the Garden Building Specification plan.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary or incidental to the residential use of 138 Harestone Hill.

Main Issue

2. It is considered that the main issue is whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy and if it is inappropriate development whether very special circumstances to justify the proposed development in the Green Belt can be demonstrated.

Reasons

3. The appeal site is within the rear garden of a 2-storey dwelling located within the Green Belt. The proposed development includes the erection of a modular

- outbuilding, described as a Granny Annex, within the rear garden of the property which is intended to provide accommodation for a family member.
4. Within the Green Belt, the Framework refers to the construction of new buildings as being inappropriate development unless they accord with the identified exceptions. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (LP) echoes national policy. The erection of the proposed outbuilding would be inappropriate development within the Green Belt.
 5. However, LP Policy DP14 allows for ancillary domestic buildings within curtilages to be reasonable additions to dwellings provided they meet specific criteria. If the proposal satisfies these criteria then the Council is satisfied that this policy constitutes the necessary very special circumstances to allow for the erection of new buildings in the Green Belt.
 6. LP Policy DP14 was drafted and the Local Plan adopted under the provisions of the previous version of the Framework published in 2012 but the approach towards the erection of outbuildings within the Green Belt has not materially changed in the 2019 version of the Framework. Accordingly, I am satisfied that LP Policy DP14 provides a development plan policy basis to assess whether the required very special circumstances for erection of the proposed outbuilding within the Green Belt could be capable of being demonstrated.
 7. The Council does not claim that the appeal scheme would be a dominant feature; excessive in size having regard to the size of the dwelling; detract from the rural character or appearance of the locality or replace any existing garage that has been converted to residential use. There are no reasons to disagree with the Council's assessment of these matters which are criteria in LP Policy DP14.
 8. Although not intended to be fully self-contained accommodation, the proposed outbuilding would include a living space with a small kitchen area and bedroom with an en-suite bathroom. The Council claim that the appeal scheme would not be incidental to the enjoyment of the dwelling house because of proposing primary living accommodation and this is where the conflict with LP Policy DP14(4) arises.
 9. The proposed outbuilding would be sited within the garden of the host dwelling and would clearly relate to this property, including because of sharing the same access from Harestone Hill. There would be minimal physical separation between the appeal scheme and the dwellings with the proposed development appearing an ancillary outbuilding to the host property. Further, the proposed outbuilding would clearly be subservient in size and, in terms of the level of accommodation, function to the property. By reason of these site specific circumstances, the appeal scheme would be an ancillary accommodation to the enjoyment of the property and a conflict would not arise with LP Policy DP14(4).
 10. Notwithstanding the identified circumstances, the occupation of the proposed outbuilding could, as identified by the Council, be controlled by a suitable condition. Such a condition would ensure that occupation of the outbuilding would remain as ancillary or incidental accommodation to the host dwelling and not occupied independently from the residential use of the dwelling.

11. Reference has been made by the appellants to another scheme approved by the Council for an outbuilding at Wrentall (Ref TA/2019/235). There are differences between the planning circumstances of the proposed development and this other scheme, including there being no proposed kitchen, the demolition of other structures and submission of a socialisation statement. The appellants have also referred to the fallback position associated with the erection of an outbuilding as permitted development but no details of such a proposal have been provided to enable a comparative assessment to be made, including the type of accommodation. However, the proposed development has been assessed on its own circumstances and limited weight has been given to these other considerations in the determination of this appeal.
12. For the reasons given, it is concluded that the requirements of LP Policy DP14 have been satisfied and that the very special circumstances to justify the proposed development in the Green Belt have, therefore, been demonstrated.

Conditions

13. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. For reasons of clarity conditions are necessary for the proposed development to be erected in accordance with the approved drawings and to secure the specified external materials. As identified, a condition limiting the occupancy of the proposed outbuilding to being ancillary to the main dwelling is required.

Conclusion

14. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR