
Appeal Decision

Site visit made on 13 November 2019

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/C3620/D/19/3236619

Cop House, Old Road, Buckland, Betchworth, RH3 7DY.

- 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 H Lindley against the decision of Mole Valley District Council.
 - The application Ref. MO/2019/1115/PLAH, dated 24 June 2019, was refused by notice dated 30 August 2019.
 - The development proposed is the erection of a single storey detached garage to the front of the property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed garage constitutes inappropriate development in the Green Belt, and the effect on its openness and, if so, whether such harm is outweighed by other factors so as to constitute very special circumstances.

Reasons

Background

3. The appeal site comprises a semi-detached property which lies in an area of mixed residential development off the A25 and which forms part of the Green Belt. The site also lies within the Conservation Area of Buckland. It is proposed to erect a detached garage sited in the long front garden close to Old Road.

Whether inappropriate development and the effect on openness

4. The National Planning Policy Framework (NPPF) sets out in paragraph 145 that the erection of new buildings in the Green Belt constitutes 'inappropriate development' unless one of the listed exceptions apply. The garage proposed does not fall within any of the specified categories therefore it has to be assessed as 'inappropriate development'. The appellant's agent implies that the proposal should be regarded as limited new development in a village as recognised in part (e) of this paragraph, but there is no evidence before me to suggest that the small enclave of properties around Buckland constitutes a village. Therefore, I have to consider the appeal site as part of an area of countryside albeit also designated as a Conservation Area.
5. In terms of the effect on openness, I recognise that the proposed garage is of a simple rural design and is small in scale. Even though it is proposed to be

located in the front garden of the property, its visual impact would be reduced by the existing vegetation and the further planting proposed. Nevertheless, the effect on openness is not just about the degree to which a new building would be visible to the public realm but it is also concerned about the spatial aspect of encroachment on openness which can result from the cumulative effect of even small new buildings.

6. I conclude on this issue that the proposal would constitute inappropriate development in the Green Belt and would have a modest adverse effect on its openness contrary to the national guidance contained in the NPPF.

Other matters

7. I have taken account of Core Strategy Policy CS1 but this refers to old national guidance which has been replaced by the NPPF. Moreover, the appellant's agent refers to the proposal being acceptable as a modest replacement domestic ancillary building but it has not been shown that the proposed garage would replace any previous structure. I also note the other local plan policies referred to but none of these deal with the Green Belt issue or outweigh the provisions of the NPPF on Green Belt matters.
8. In respect of the effect on the Conservation Area I have paid special regard to the desirability of preserving or enhancing this heritage asset and I have placed great weight on its conservation. However, I am satisfied that the design, scale and siting of the garage would not have a harmful effect on the character or the appearance of the Conservation Area.

Planning and Green Belt balance

9. On the main issue I have found that the proposal would constitute 'inappropriate development' in the Green Belt and would also have a moderate adverse effect on its openness, although there would not be other policy conflicts or result in other harm including to the Conservation Area. This adverse effect must be balanced with the benefits of development.
10. I have taken account of the appellant's submission that the garage is needed to store a classic car. Further, it appeared to me at the site visit that because of the width of the host property across the site, there is little practical alternative to site a garage other than in the front garden. However, I do not consider such personal and local aspects to clearly outweigh the harm to the Green Belt in the long term. Therefore, very special circumstances do not arise in this case.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR