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# Appeal Decision

Site visit made on 7 January 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 22 January 2020.

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**Appeal Ref: APP/M3645/D/19/3241040**

**41 Stoneleigh Road, Limpsfield RH8 0TP**

- 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 & Mrs Kelly against the decision of Tandridge District Council.
  - The application Ref TA/2019/1113, dated 18 June 2019, was refused by notice dated 22 August 2019.
  - The development proposed is erection of a detached garage.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. At the time of my site visit, I saw that the development had been completed and appeared to accord with the plans before me. Therefore, I have determined the appeal on the basis that the development has already occurred.
3. The description in the header above is taken from the application form albeit that I have removed wording which is not an act of development.
4. The Limpsfield Neighbourhood Plan 2018-2033 (LNP) was adopted before the Council issued its decision. Although the Council's officer report identifies conflict with Policies LNP1 and LNP3 of the LNP, they are not cited in the reason for refusal. Nevertheless, as the LNP is part of the development plan it is necessary for me to consider it when determining this appeal.

## Main Issues

5. The main issues are:
  - i) whether the proposal is inappropriate development in the Green Belt having regard to national and local policies;
  - ii) the effect of the proposal on the openness of the Green Belt;
  - iii) the effect of the proposal on the character and appearance of the area; and
  - iv) whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether inappropriate development in the Green Belt*

6. The National Planning Policy Framework (the Framework) attaches great importance to Green Belts. Paragraph 143 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that new buildings are inappropriate in the Green Belt with some exceptions. These are largely replicated in Policy DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (LPP2).
7. Although set into the ground somewhat, the garage is significantly taller than either of the previous buildings. It is also larger in floor area, volume and overall bulk than those buildings, either taken individually or together. Accordingly, it is materially larger than the buildings it replaced. Consequently, although it is in the same use and is sited close to the position of the buildings it replaced, the garage does not comply with Policy DP13 F or Framework paragraph 145 d) and is inappropriate development.
8. The appellant contends that as there is no definition of 'materially larger' in the Framework, local policies should seek to ensure that a replacement building does not result in a harmful increase in overall floor area or a disproportionate enlargement. There is however no basis in national or local policy or guidance to support this suggested alternative approach. Whether a building is materially larger or not will depend on the specific proposal and site circumstances, which in this case have led me to the conclusion above.

### *Openness,*

9. The Framework sets out that openness is one of the essential characteristics of Green Belts. The appeal site is relatively centrally located in a group of several streets, which are surrounded by open countryside. The dwellings in this immediate area are set relatively close together on modest plots. Many have outbuildings to the rear.
10. The garage is larger than the buildings it replaced and takes up a greater proportion of the garden. Accordingly, it has resulted in a loss of openness both spatially and visually. As it is surrounded by houses and outbuildings however, in isolation the impact on the openness of the Green Belt is slight.

### *Character and appearance*

11. The area to the rear of No 41 is characterised by rear gardens and open parking areas with mature planting and modest outbuildings. The garage is significantly taller than the adjacent long row of garages and other outbuildings in the vicinity. Due to its height, bulk and materials, its appearance is more akin to a commercial building than a domestic outbuilding. Consequently, it is a prominent and dominant feature when seen from the access road and parking area to the rear, with the boundary hedges providing only limited screening. As such, the garage does not integrate effectively with its surroundings, which are of domestic scale and character, and therefore detracts from the character and appearance of the area.
12. Although visible between the existing house and other garage, because it is set back and at a lower level, the garage is not prominent in the street scene. There are also several other properties nearby with outbuildings in their gardens, albeit of smaller scale. Nevertheless, this does not justify the harmful impact on the area to the rear, which is also publicly accessible.

13. While it is larger than the buildings it replaced, the garage has not significantly reduced the size of the garden of No 41. Even with the extensions to the dwelling and the other garage, the remaining garden is of a reasonable size and comparable to the gardens of other properties in the surrounding area. Consequently, I do not share the Council's view that the garage has resulted in a cramped layout or overdevelopment of the site.
14. Nevertheless, for the reasons given above the garage results in harm to the character and appearance of the area. As such it conflicts with Policy DP7 of the LPP2, Policy CSP18 of the Tandridge District Core Strategy 2008 (CS) and Policy LNP3 of the LNP which, amongst other things, require a high standard of design.

#### *Other considerations*

15. The photograph provided of the previous buildings shows structures which were of domestic scale and innocuous appearance. There is no evidence that their removal resulted in any material enhancement to the character and appearance of the area, and nor has the replacement garage.
16. The appellant's desire for secure parking for vehicles is noted, however there is an existing garage to the front of the site to provide for this. The lack of harm to highway safety and the absence of objection from the Highway Authority, Parish Council and third parties are neutral impacts of the development.
17. The LPP2 recognises that although ancillary outbuildings are inappropriate development, there may be circumstances where a building would be a reasonable addition to the domestic use of the property. Policy DP14 permits new garages and other ancillary domestic buildings in the Green Belt outside the defined villages subject to meeting 4 criteria. The supporting text to that Policy states that compliance with the policy would in effect constitute 'very special circumstances'.
18. For the reasons given above, the garage would constitute a dominant feature and as such would conflict with the first criterion of Policy DP14. Although the garage is large, given the various extensions to the existing dwelling it would not be excessive in size having regard to the dwelling it would serve. The character of the area immediately around the appeal site is more suburban than rural, therefore there is no obvious conflict with the second criterion of the Policy, nor is there any conflict with the third or fourth criteria. Nevertheless, as compliance with the Policy requires that all criteria are met, the proposal conflicts with Policy DP14 of the LPP2.

#### **Conclusion**

19. The proposal is inappropriate development and I have found that it results in slight harm to the openness of the Green Belt and to the character and appearance of the area. Framework paragraph 144 states that substantial weight must be given to any harm to the Green Belt. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal conflicts with Policies DP10 and DP14 of the LPP2 and Policy LNP1 of the LNP, which all seek to resist inappropriate development in the Green Belt unless special circumstances exist, and with the provisions of the Framework. Therefore, the appeal is dismissed.

*L McKay*

INSPECTOR