
Appeal Decision

Site visit made on 13 January 2020

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal Ref: APP/C3620/D/19/3241817

Converted barn at The Knoll, Horsham Road, Beare Green, Surrey, RH5 4PS

- 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 B. Kearl against the decision of Mole Valley District Council.
 - The application Ref MO/2019/1273/PLAH, dated 16 July 2019, was refused by notice dated 11 September 2019.
 - The development proposed is erection of single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the appeal site; and
 - If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Procedural matters

3. On my site visit I noted that the rear boundary of the appeal site ran in a straight line roughly parallel with the rear wall of the existing main building. Furthermore, I noted that the depth of garden behind the main building appeared to be substantively less than the depth of garden to the front. I find that the extent of land to the rear of the existing building to be smaller than is identified on Existing Block Plan/ Proposed Block Plan – Drawing Reference: 1907-08-PL03.
4. The appellant's evidence makes reference to a guidance note published by Mole Valley District Council (the Council) in September 2004 entitled, 'The Green Belt: A guide for Householders (the guidance). No reference to this guidance is

made in the Council officer's report on the appeal proposals and the Council has advised that this guidance is 'no longer a valid piece of supporting guidance'.

5. The guidance, amongst other things, seeks to explain how the Council will implement Policy RUD7 of the Mole Valley Local Plan, adopted October 2000 (the local plan), which is relied upon by the Council in this case. In addition, it appears likely from the evidence before me that the Council has taken this guidance into account as recently as 2015¹. However, as the guidance does not form part of the development plan, and now appears to have been withdrawn, it carries limited weight in my view.

Reasons

Inappropriateness

6. Paragraph 145 of the Framework identifies that the extension or alteration of a building is not inappropriate in the Green Belt, provided it does not result in disproportionate additions over and above the size of the original building. The Framework does not set out how 'disproportionate additions' should be assessed, but as a starting point the appellant and local planning authority agree that the proposed extension, in combination with an earlier porch extension, would result in a building floorspace that is around 46% larger than the original building. This cumulative scale of extension would be a significant increase in my view.
7. It is argued that this scale of development is not mathematically disproportionate, as the percentage increase is below 50%. This statement is supported by references to the guidance and to decisions made by the Council in relation to the extension of two nearby properties.
8. I shall deal with the weight to be attached to the Council's decisions in relation to nearby properties under the 'Other Considerations' section below. However, regardless of the approach taken by the Council on previous decisions, I do not consider that the guidance, or more importantly Policy RUD7 of the local plan, sets a mathematical 'threshold' of 50% below which the extension of the original building is considered not disproportionate.
9. For both the policy and the guidance, it is both the relative increase in floorspace and whether it would be out of proportion with the existing building, that are the key considerations in assessing if a proposed extension would be a disproportionate addition or not.
10. Although the extension would not be readily visible from public viewpoints, the addition of an 8metre long extension (which is also 5 metres wide), projecting from the rear of a relatively small building, would appear to almost double the depth of the building. This form and bulk of extension would be out of proportion with the original building.
11. Given the significant scale of the extension and its form and bulk, I find that the building would be a disproportionate addition to the original building. Therefore, it would be inappropriate development which is, by definition, harmful to the Green Belt.

¹ Application Ref MO/2015/1108/PLAH

Openness

12. The effect that development can have on the openness of the Green Belt is a different concept from the space that may exist around a building and how that enables new development to respect the spacious character and appearance of an area.
13. In this case, although the extension would not be readily visible from public viewpoints, its extension onto land which is currently open garden, which contributes to the openness of the Green Belt would inevitably harm, albeit to a limited degree, the openness of the Green Belt.

Character and appearance

14. There is a relatively small back garden area behind the building. The proposed extension would entirely dominate this space and leave a back garden area that is both fragmented and cramped. The resulting form of development would not accord with the generally spacious and open character of the surrounding area and harm the character and appearance of the appeal site.
15. Therefore, I find that the development would not accord with policies ENV22 and ENV32 of the local plan or policy CA-ESDQ3 of the Capel Neighbourhood Development Plan, although given that the proposed development would not be readily visible from public viewpoints and substantial open land would remain to the front and side of the property, the degree of conflict would be limited. Policies ENV22, ENV32 and CA-ESDQ3, amongst other things, seek to ensure that extensions are appropriate in terms of the host building and plot and respectful of the character and appearance of the surrounding area.

Other considerations

16. My attention has been drawn to two planning permissions for the extension of nearby residential properties. There are similarities between the appeal proposals and these schemes, including the cumulative scale of extension proposed and the scale and nature of the host properties. The principles of national Green Belt policy, and the policies of the development plan, have not changed from when those decisions were taken to now. I can thus see, that if only for consistency of decision-making reasons, the other cases are seen by the appellants as a guide to what may be acceptable in Green Belt terms.
17. However, there is limited information about these schemes before me and I have only viewed these properties from the public road. Furthermore, from the information that is available, there appear to be some differences between the schemes and the appeal proposals, such as the shape of the plots of land on which the original houses were located and the depth of the plots behind the original buildings where the extensions were proposed.
18. The considerations in these cases may therefore not be directly comparable with the current appeal scheme. Thus, although the other decisions are material and weigh in favour of the appeal scheme, I cannot attach substantial weight to them when it comes to the Green Belt balance. In addition, each scheme must be considered on its own merits.

Green Belt balance

19. The Government attaches great importance to Green Belts. Thus, when considering any planning application, substantial weight should be given to any harm to the Green Belt.
20. In this case, I have found harm to the Green Belt by way of inappropriateness and, to a limited extent, harm to its openness. In addition, I have found that the development would harm the character and appearance of the appeal site, albeit to a limited degree. Other considerations in favour of the scheme do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
21. Accordingly, the proposed development conflicts with Policy RUD7 of the local plan and the Framework in so far as they set out policies which seek protection of the Green Belt.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I dismiss this appeal.

Anthony Thompson

INSPECTOR