
Appeal Decision

Site visit made on 8 July 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/M3645/W/19/3242819

Chartcroft Lodge, Pastens Road, Limpsfield RH8 0RE

- 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 John Pannett against the decision of Tandridge District Council.
 - The application Ref TA/2019/1450, dated 6 August 2019, was refused by notice dated 15 October 2019.
 - The development proposed is demolition of existing dwelling and outbuildings, erection of new 3-bed two storey dwelling including separate garage and reconfiguration of driveway.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and outbuildings, erection of new 3-bed two storey dwelling including separate garage and reconfiguration of driveway at Chartcroft Lodge, Pastens Road, Limpsfield RH8 0RE in accordance with the terms of the application Ref TA/2019/1450, dated 6 August 2019 and the information submitted with it, subject to the attached schedule of conditions.

Procedural Matters

2. The application form describes the proposal as "demolition of existing dwelling and outbuildings, replaced with new 2-bed property with separate 2 car garage. Reconfiguration of driveway to new proposed dwelling". During the course of the application this was changed to "demolition of existing dwelling and outbuildings, erection of new 3-bed two storey dwelling including separate garage and reconfiguration of driveway". I have therefore used the amended description in my banner heading and I have considered this appeal on that basis.

Main Issues

3. The main issues are: -
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2019) (the Framework), including any relevant effects on the openness of the Green Belt,
 - The effect of the development on the character and appearance of the site and the surrounding area, and:

- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The site lies within the Metropolitan Green Belt. Policy DP10 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014-2029 (2014) (the DP) seeks to safeguard the Green Belt from inappropriate development, except in situations where very special circumstances exist. However Policy DP13 identifies, amongst other development that is considered as being not inappropriate, the replacement of buildings within the Green Belt (outside the Defined Villages), subject to certain provisos. These provisos include the requirements that the proposed new building is in the same use as the building it is replacing, is not materially larger than the building it is replacing and is sited on or close to the position of the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt.
5. Paragraph 145 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. Policy DP10 and Policy DP13 are broadly in accordance with the Framework and can therefore be accorded significant weight.
7. The proposal would demolish the existing buildings within the site and replace them with a dwelling with a substantial two storey element facing towards the road, a single storey skirt on three sides and projecting rear wing, together with a detached garage.
8. The Framework identifies that the fundamental aim of the Green Belt is “to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. The Green Belt has both a spatial and a visual dimension. There is no dispute that the plot could accommodate a building of the scale proposed, nevertheless the new building would result in a significant increase in the total volume and floor area of the buildings within the site above that of the existing structures. For the above reasons, in spatial terms, the increased built form on the site would result in a loss of openness which is a separate issue from the character and appearance of the area.
9. The proposal would remove outlying buildings and concentrate the built form within the rear of the site. The new buildings would be well screened from the road and adjacent dwellings, but this does not affect my conclusion that the proposed development would reduce the openness of the Green Belt.
10. Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

11. Given that the development would be contained within the existing plot boundary I find that it would not encroach further into the countryside and so would not be contrary to the purposes of the Green Belt.
12. I conclude that, although the proposal would not conflict with the purposes of including land within the Green Belt, the proposal would amount to inappropriate development in the Green Belt having regard to Policies DP10 and DP13 of the DP, including any relevant effects on the openness of the Green Belt.

Other Considerations

Character and appearance

13. The appeal site fronts onto Pastens Road, a private road serving an established residential area of substantial dwellings, generally of two storeys, well spaced and set in generous landscaped plots. Many of the dwellings are positioned well back from Pastens Road behind mature planting and are often well screened with limited or no presence on the road.
14. The site contains a chalet bungalow with accommodation on two floors, and some smaller outbuildings, and has access directly off the road. To the south-west lies Chartcroft, with which Chartcroft Lodge was formerly associated. The land rises gradually from the road towards the rear of the site, and is bounded by, and contains, dense mature planting, including several substantial trees. The overall character of the area is of dwellings set in verdant, peaceful seclusion.
15. The proposed dwelling would occupy a greater width of the site and concentrate the bulk of the two-storey element on the front elevation, which faces away from the road. When viewed from the road there would be an increase in the bulk of the building, presenting the impression of a largely two-storey building from that viewpoint and this would be more in keeping with the predominantly two-storey dwellings nearby.
16. Notwithstanding that some internal planting would be lost to allow for the realignment of the drive, views from the road and adjacent buildings would be limited by topography, intervening planting and the distances between dwellings. Whilst the proposal is of a more modest scale than some nearby dwellings which I observed, the distancing and planting would preclude direct comparison.
17. No ready comparison could be made between the form and appearance of the proposed dwelling and other buildings in the area, nor would the proposal be so out of keeping with nearby dwellings in terms of scale or design as to provide an incongruous relationship.
18. The projecting single storey to the rear of the dwelling, incorporates a substantial chimney. There is a degree of awkwardness in the relationship of this element to the balance of the building. However, the views of this element would be limited and against a backdrop of planting and, of itself, this awkwardness would not be of such a degree as to warrant dismissal of the proposed scheme.
19. I therefore conclude that the proposal would not result in material harm to the character and appearance of the site and the surrounding area and so would

comply with Policy CSP18 of the Tandridge District Core Strategy (2008) (the CS) and Policy DP7 of the DP in as much as these, amongst other things, require that new development, within the villages and the countryside is of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.

Other matters

20. The appellant considers that if his permitted development rights, including those under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, were to be implemented and the existing bungalow extended and altered the resultant development would have a materially greater impact on the Green Belt by comparison with the appeal scheme.
21. The appellant has drawn my attention to a Certificate of Lawfulness for a Proposed Development¹ (the CoL) and have provided plans showing the layout, gross external area (GEA) and volume of the buildings on site that could be carried out as permitted development (PD). The appellant has indicated that it is his intention, should this appeal fail, to implement the PD scheme. Comparing the proposal with the PD, the proposal would have a lesser volume and GEA, but only if the PD were to be implemented in full.
22. The Council has expressed doubt that, due to the visual relationship between the buildings, practicalities of construction and ongoing maintenance, the appellant would implement the PD scheme in full. The PD scheme would be a costly option and I am in agreement with the appellant that the resultant dwelling would not be particularly attractive. Notwithstanding this, I have no reason to doubt that it is the appellant's intention to proceed with this alternative scheme if the appeal is dismissed. My attention has been drawn to a previous appeal decision² on this site for a similar development to that which is proposed, and I note that my opinion in this regard concurs with that of the Inspector in that case.
23. The appellants assert that any assessment as to whether the proposal would be materially larger than the building it would replace should take account of the outbuildings within the site. They have drawn my attention to the judgement in respect of the Castlenau case³ in support of this view. This judgement held that the question of whether more than one building may be taken into account in the context of the "not materially larger" test is to be determined on the facts by reference to the objectives of Green Belt policy.
24. In the Castlenau case the additional buildings in question were found to be ancillary to the residential use of the existing house and not widely dispersed around the site. The Inspector found that the replacement of the dwelling and its ancillary buildings with an appropriately sized dwelling would not be at odds with the fundamental aim of Green Belt policy, which is to keep land permanently open. The judgement did not indicate that all of the outbuildings within the curtilage of a property should be taken into account, but that the inclusion of ancillary buildings is a matter of judgement based on the facts of the case.

¹ Council Ref: 2018/2248

² APP/M3645/W/17/3181864

³ Tandridge DC v SSCLG & Syrett [2015] EWHC 2503

25. With regard to the PD scheme the outbuildings would be ancillary to the existing residential use and are located reasonably close to the existing dwelling. Having regard to the Castlenau judgement it is reasonable that these building be taken into account when assessing the size of the building to be replaced.
26. The PD scheme would be lower in terms of overall height, with lower eaves and a less bulky aspect towards the road. However, the increase resultant from the appeal proposal would be small, and, set against the backdrop of planting and at the distances involved, would not be highly noticeable. The PD scheme would produce an elongated, linear building layout sprawling over the rear half of the site. By contrast the proposal scheme would consolidate the built form on the rear section of the site, which would have a beneficial increase in openness between built forms in the area.
27. Whilst the PD scheme would avoid the engineering operations associated with the appeal scheme in terms of the realignment of the drive, the future landscaping of the site could be ensured through the imposition of a suitably worded planning condition.
28. A new dwelling would benefit from permitted development rights, unless these are removed by planning condition, and there is a risk that, ultimately, the scale of development on the appeal site could exceed that shown on the submitted plans giving rise to a further loss of openness. It is possible to impose planning conditions to restrict permitted development rights and I note that the appellant has indicated that he is agreeable to the Council's suggested conditions that seek to limit such rights.
29. I consider that, should the appellant implement the PD scheme which has been approved as CoL, the impact of the proposals would differ from the appeal scheme. However, when taken as a whole, the effect of the proposed development upon the openness of the Green Belt would be less than that of the PD scheme.
30. It is proposed that the new dwelling would be more energy efficient than the one it would replace. Whilst the PD works would only be required to comply with Building Regulations, the proposal could, by the requirements of a suitably worded planning condition, be required to comply with the Councils requirements to reduce CO₂ emissions. This would add benefit to the proposal and weigh in its favour.
31. The proposal would provide a three bedroom dwellinghouse. The existing housing stock in the immediate vicinity provides larger dwellings. However the PD scheme would provide the same level of accommodation. Given the appellants asserted commitment to implementing the PD scheme any benefits accruing from returning the building to active use would occur in either case and so these considerations have a neutral effect on my deliberations.

Very Special Circumstances

32. The proposal would represent inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also give rise to additional harm through loss of openness. The Framework requires that substantial weight is given to any harm to the Green

Belt and confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

33. For the reasons given above, I consider that the harm arising from the extensions and buildings that form the appellant's fallback position would be greater than that arising from the appeal scheme.
34. Taken together with the benefits of a more energy efficient dwelling these benefits add substantial weight in favour of the proposal.
35. Consequently, in this case, very special circumstances exist to justify the proposal.

Conditions

36. I have had regard to the planning conditions suggested by the Council. The appellant has had the opportunity to comment on these and has raised concerns with the Council's suggested conditions Nos 4 and 6. I have assessed the suggested conditions against the guidance in paragraph 55 of the Framework.
37. In addition to the standard condition stipulating time limits I have placed a condition upon the development requiring that it be built in accordance with the approved plans, together with a condition requiring the submission of proposed materials to be used in external surfaces to be submitted for approval by the Council. These are necessary for the avoidance of doubt, in the interest of certainty and to ensure that the development will be appropriate to the character of the area.
38. The surrounding area is verdant and planting acts to screen development and reduce its visual impact. To protect the verdant, secluded character of the area I have therefore included a condition requiring full details of landscape works, both hard and soft, to be submitted prior to any works taking place above ground level. Whilst the appellants consider the scope of the proposed condition to be excessive, the inclusion and extent of the condition provides certainty and is appropriate.
39. The inclusion of a condition requiring the installation of solar panels specified in the application is necessary to ensure that the proposal actively contributes to the reduction of carbon dioxide emissions in accordance with Policy CSP 14 of the CS.
40. Conditions removing permitted development rights are necessary to prevent the future expansion of the built form within the site, with any consequent effect upon the openness of the Green Belt.
41. These conditions correspond to conditions suggested by the Council. However, I have amended the wording for clarity and to remove the unnecessary need for pre-commencement submission of details.
42. The Council have requested a condition to prevent the future insertion of windows into the flank elevations of the development to protect the privacy of occupiers of neighbouring properties. Whilst the appellants have stated that they have no intention of doing so, that intention may not be honoured by all future residents. However, such works would need to be carried out in

accordance with the Town and Country Planning (General Permitted Development) Order 2015 which contains safeguards, or would need planning permission. I therefore consider such a condition unnecessary.

Conclusion

43. For the reasons set out above, and having taken into account all other matters raised, I conclude that the appeal should be allowed, subject to the conditions attached.

I Dyer

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
- 2) This decision refers to drawings numbered 152/001/101/PA, 152/001/120/PA, 152/001/130/PA, 152/001/210/PA. The development shall be carried out in accordance with these approved drawings unless the District Planning Authority gives written consent to any variation.
- 3) With the exception of below ground works, no development shall start until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with these approved details.
- 4) With the exception of below ground works, no development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include: -
 - proposed finished levels or contours
 - means of enclosure
 - hard surfacing materials
 - minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.
- 5) All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.
- 6) Before the development hereby approved is occupied the solar panels specified in the application details shall be installed and this system shall thereafter be retained in accordance with the approved details.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and reenacting that Order with or without modification) no form of enlargement of the dwelling hereby permitted shall be carried out without the express permission of the District Planning Authority.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and reenacting that Order with or without modification) no garages, sheds, greenhouses or other ancillary domestic outbuildings shall be erected without the express permission of the District Planning Authority.

END OF CONDITIONS