
Appeal Decisions

Site visit made on 14 July 2020

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal A Ref: APP/C3620/C/20/3246219

Holly Cottage, Wellhouse Lane, Betchworth RH3 7HH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Charles Smith against an enforcement notice issued by Mole Valley District Council.
- The enforcement notice was issued on 13 January 2020.
- The breach of planning control as alleged in the notice is without planning permission the erection of a detached double garage with workshop and equipment store on the Land (marked X on the attached plan).
- The requirements of the notice are:
 - (1) To remove completely from the Land the detached double garage, equipment and store and any associated bases, fittings, materials and debris.
 - (2) To restore the Land to its former condition before the breach took place.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal B Ref: APP/C3620/W/19/3242588

Holly Cottage, Wellhouse Lane, Betchworth, Surrey RH3 7HH

- 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 Charles Smith against the decision of Mole Valley District Council.
- The application Ref MO/2019/1361/PLAH, undated, was refused by notice dated 23 September 2019.
- The development proposed is the erection of detached double garage with workshop and equipment store.

Summary Decisions: The appeals are dismissed and the enforcement notice is upheld with a correction in the terms set out below in the Formal Decision.

Preliminary Matters

1. Section 2 of the enforcement notice, titled "The Land Affected" refers only to the land shown edged red on the attached plan. From the way the notice is set out, it is clear that the Council intended to also provide the address of the land. As the attached plan is clear as to what land the enforcement notice refers to, it complies with Section 173 of the Town and Country Planning Act 1990 (the Act) and Section 4 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 (ENAR). Nevertheless, in accordance with the powers given at Section 176 of the Act, for clarity I will amend the notice to

specify the address. Following consultation with the appellant and Council, this will not cause injustice to either party.

2. The form for the application subject of appeal B was undated. It is not clear on what date it was submitted or received by the Council, although a date of 29 July 2019 is given on the decision notice. The Council proceeded to determine the application and I will deal with the appeal on the same basis.
3. The planning application subject of Appeal B sought to regularise the building constructed and subject of the enforcement notice under Appeal A. For this reason, I have dealt with both appeals together.

Appeal A on Ground (a) and the Deemed Planning Application Appeal B

Main issues

4. The main issues are:
 - Whether the development comprises inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the development on the intrinsic character and beauty of the landscape; and
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The National Planning Policy Framework (the Framework) states that new buildings within the Green Belt should be considered inappropriate with a number of exceptions. This includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy CS 1 of the Mole Valley Local Development Framework Core Strategy (CS) states that development will be considered in light of local and national planning policies, which would include the Framework that replaced the Planning Practice Guidance referred to in the policy.
6. The appellant suggests that the outbuilding constructed is a replacement for that granted planning permission under reference MO/2015/0985 (the 2015 permission), itself a replacement proposal for an earlier scheme granted permission under reference MO/2011/1076 (the 2011 permission). That 2015 permission related to an outbuilding of slightly smaller footprint and a little lower than that constructed. Given that building was never constructed, I do not consider the proposal could be considered as a replacement of that building. As a result, the development does not fall within that exception to inappropriate development. Nevertheless, the previous permissions are material considerations that, insofar as I am able, I will take into account in coming to my decision.

7. The building is separate from the dwelling so is not an extension or alteration to the dwelling. Nevertheless, it is an ancillary building located in close proximity to the dwelling. Taking into account that the Council have granted permission for an outbuilding through the 2011 and 2015 permissions, its proximity to the dwelling and that it is a normal domestic adjunct, I accept that, in this case, an outbuilding in this location should be considered in the same manner as an extension or alteration to the dwelling. This would form an exception to inappropriate development within the Green Belt, provided that it does not result in a disproportionate addition over and above the size of the original building.
8. Holly Cottage is a large detached house, but the outbuilding has a substantial footprint and significant height. As a result, it has a substantial volume, materially larger than that previously proposed. As a result, whilst clearly smaller than the main house, it is disproportionate in size to the dwelling.
9. The roof contains a number of rooflights and windows in one end, as well as loft doors facing over the field to the rear. The drawings proposed in appeal B show the loft doors replaced with a window and a window in the opposite end as well. Although the building was open to the roof at the time of my visit, the internal timber frame and windows indicate that an upper floor could be provided within the building and it may be possible to convert this to additional residential accommodation. This would provide significant additional floorspace and further supports my conclusion that the building is a disproportionate addition over and above the size of the dwelling.
10. For these reasons, I conclude that the outbuilding does not constitute an exception to inappropriate development within the Green Belt. Consequently, the Framework and Policy CS1 of the CS states that it should be considered inappropriate.

Landscape

11. Holly Cottage is of traditional design and materials located in an isolated location away from other development. It is positioned close to, and visible from, Wellhouse Lane and the public footpaths over the field opposite. The outbuilding is set slightly further back from the road, but beside the house. It is of timber frame construction with timber clad walls and tiled, half-hipped, roof that reflects the character and appearance of the dwelling. The 2015 scheme, smaller and with the front garage at an angle to the front of the building, would have resulted in a more subservient and informal appearance to reflect the rural location.
12. The outbuilding, taking account of its footprint and height, is of substantial size, particularly in comparison to the dwelling. I note that it has a large roof space that appears to be capable of conversion to additional residential accommodation, albeit the appellant may not have any intention of doing so at present and this may be controlled by condition. Although it is not dominant, the building appears excessive in size having regard to the size of the dwelling it serves and, as a result, detracts from the rural character and appearance of the locality.
13. For these reasons, the outbuilding harms the intrinsic character and beauty of the landscape. As such, it conflicts with Policy RUD9 of the Mole Valley Local Plan (LP) which states that garages and other ancillary domestic buildings

should not detract from the rural character or appearance of the locality, including by being excessive in size having regard to the size of the dwelling they serve and not be readily capable of subsequent conversion to residential accommodation.

Conclusion

14. I have found that the proposed outbuilding would not constitute the replacement of a building, and would result in disproportionate additions over and above the size of the original building such that it would not fall within the exception to inappropriate development relating to the extension or alteration of a building. As such, the proposal is inappropriate development that harms the openness of the Green Belt. In addition, it would harm the intrinsic character and beauty of the landscape. No other considerations have been presented. As such, the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. Therefore, the proposed development is contrary to Policy CS 1 of the CS, RUD9 of the LP and the Framework that seek to protect the Green Belt from inappropriate development.
15. On the basis of the above considerations, I conclude that the appeal under ground (a) and the deemed planning application of appeal A, and appeal B, should be dismissed.

Formal Decisions

Appeal A

16. It is directed that the enforcement notice is corrected by:
17. Replace Section 2 of the enforcement notice with "The land known as Holly Cottage, Wellhouse Lane, Betchworth RH3 7HH shown edged red on the attached plan ("the Land")".
18. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

19. The appeal is dismissed.

AJ Steen

INSPECTOR