



Appeal Decision

Site visit made on 1 September 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/L3625/D/20/3252213

Ryecroft, 205 Smallfield Road, Horley, Surrey RH6 9LR

- 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 Stephen Davison against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/02076/HHOLD was refused by notice dated 16 March 2020.
 - The development proposed is a detached garage.
-

Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. The Framework in paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a list of specific exceptions. Policy NHE5 of the Reigate & Banstead Local Plan Development Management Plan Adopted September 2019 (the DMP) and Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy Adopted July 2014 (the Core Strategy) conform to the thrust of national Green Belt policies in these respects.

4. The proposed garage would be a new building sited in an area to the front of the dwelling, which is currently open and free of built development. It would not fall within any of the specified exceptions within paragraph 145 of the Framework and so it must be regarded as 'inappropriate development'.

Openness

5. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. Openness can be defined as an absence of built form.
6. Whilst the boundary vegetation would limit the visual impact of the proposed garage, it would be visible in Smallfield Road. The effect on openness is not just about the degree to which a new building would be visible to the public realm but is also concerned about the spatial aspect of encroachment on openness. The proposed garage would be sited in an open area that is currently free of buildings and therefore it would lead to a loss of the spatial openness of the site. In this respect, I find that the proposal would cause moderate harm to the openness of the Green Belt.

Other considerations and the Green Belt balance

7. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be inappropriate development in the Green Belt and would also cause moderate harm to its openness. The Framework makes clear in paragraph 144 that substantial weight should be given to such harm.
8. The appellant identifies benefits of building the proposed garage to the front of the dwelling compared to an alternative garage to the rear, including that it would be less visible from neighbouring properties and that it would not require the driveway to be extended, which would have less of an environmental impact. However, I am not aware that planning permission or a lawful development certificate has been granted for an alternative development. No information has been presented to enable a comparison of potential harm to be made, and in any event, I have assessed the proposal based on the information before me. I therefore give this consideration limited weight.
9. There are no refusal reasons relating to matters such as the effect of the proposal on: the character and appearance of the area; the living conditions of the occupiers of neighbouring properties; or highway safety. Furthermore, I note that there were no objections from local residents. However, these factors weigh neutrally and do not amount to considerations in support of the appeal.
10. I note the appellant's reference to other developments in the wider area, however details of these are not before me and I have nevertheless determined the appeal scheme on its own individual merits.
11. The other considerations identified in support of the scheme do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework and Policy NHE5 of the DMP and Policy CS3 of the Core Strategy which seek to protect the Green Belt.

Conclusion

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

C Osgathorp

INSPECTOR