



Appeal Decision

Site visit made on 18 February 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/L3625/D/19/3239665

Box Tree, Dean Lane, Merstham RH1 3AH

- 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 Pete Allibone against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/00948/HHOLD, dated 17 April 2019, was refused by notice dated 16 August 2019.
 - The development proposed is erection of detached car port.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was determined, the Council adopted the Reigate and Banstead Local Plan Development Management Plan (2019) (DMP). Consequently, the Reigate and Banstead Borough Local Plan (2005) policies listed in the Council's decision notice have been replaced by DMP Policies NHE1, NHE5 and NHE9. I have determined the appeal on that basis. As parties have had the opportunity to comment on the implications of the DMP policies, I am satisfied that no party has been prejudiced.

Main Issues

3. The main issues are:
 - (i) whether or not 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;
 - (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 including the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV);
 - (iv) whether the proposal would preserve the setting of Grade II Listed Buildings; and
 - (v) whether any 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 development.

Reasons

Inappropriate Development

4. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition, Paragraph 145 of the Framework outlines that subject to a number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
5. The proposed car port would be situated forward of the existing dwelling on an area of sloping ground. Whilst the structure would be associated with the existing dwelling, crucially it would be detached and separated from it. Therefore, given its detached nature it would not represent an extension or alteration of a building under Paragraph 145 (c) of the Framework. There is no suggestion that the development would accord with any other exemptions in Paragraph 145 of the Framework. Accordingly, the proposal would represent inappropriate development in the Green Belt.

Openness

6. Paragraph 133 of the Framework states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. It indicates that openness is an essential characteristic of the Green Belt. Whilst there is no definition of 'openness' it can be taken to mean an absence of buildings or other forms of development. Openness can have both a visual and spatial dimension.
7. The appeal property is located within an existing hamlet of properties set amongst undulating open fields. The open character to the front of the appeal property and adjacent properties and the open space to the north of the entrance drive, contribute to the spatial and visual openness of the Green Belt. The buildings are framed in long range views to the open fields when viewed from the open space north of the entrance drive and this undeveloped frontage to the dwellings is a prominent feature in these views.
8. Whilst a small building, the proposed car port would introduce built development to the front of the site in an area free of development, harming the open character to the front of these buildings, thus affecting spatial openness in this location. In addition, the awkward positioning of the proposed car port to the existing dwelling would lead to it being prominent, particularly when viewed from the entrance drive and the open space to the north. The proposal would therefore disrupt visual openness to the front of the properties. Consequently, the proposal would lead to a moderate level of harm to openness, thus failing to preserve the openness of the Green Belt.

Character and Appearance of area, AONB and AGLV

9. The appeal property is located in a scenic rural location amongst a small hamlet of properties within an AONB and AGLV. The open landscape setting contributes significantly to the character of this idyllic area. The undeveloped nature of the appeal site contributes to the attractive open setting to the

frontage of the appeal property and properties within the immediate vicinity of the appeal site.

10. Although the proposed car port has been designed to sit into the slope of the land, and whilst it would be subordinate to the property, by virtue of its siting and design it would still be a prominent feature that detracts from the open character to the front of the appeal property and the adjacent properties. The proposed car port would be positioned at an angle to the former barn appearing disjointed to the linear form of the barn. It would have a much shallower roof pitch and would conflict visually with the existing building rather than complimenting it. This uncharacteristic relationship and its failure to integrate successfully with the traditional farm buildings would add to its prominence.
11. Whilst there is soft landscaping to the front of the site, the inclusion of a building would disrupt the spacious character. Although the car port would be designed to be part subterranean, this would not reduce its physical presence to a degree to make it visually acceptable. Further, although the proposal would be unlikely to disrupt long range views of the site, the proposal would be visually prominent from the access drive serving the properties and from the open space to the north of the entrance drive fronting the properties. In these localised views the proposal would appear as an intrusive feature disrupting the areas open character.
12. The combination of these factors would lead to the proposal detracting from the character of the former farm building. It would be an unwelcome addition to the frontage of this property harming the areas open landscape character. I do not consider the imposition of a landscaping condition would overcome the harm to the areas character and appearance and therefore conclude that the proposal would fail to conserve the scenic beauty of the area.
13. For these reasons, the proposal would result in harm to the character and appearance of the area, the AONB and the AGLV. Thus, it would be in conflict with Policies CS2 of the Core Strategy and Policy NHE 1 of the DMP. Amongst other things, these policies seek that development must conserve and enhance the landscape and scenic beauty of the AONB and be of a design and siting that is complimentary to the landscape and its surroundings.
14. The proposal would also be contrary to the Householder Extensions and Alterations Supplementary Planning Guidance (2004) and the Local Distinctiveness Design Guide Supplementary Planning Guidance (2004). Amongst other matters, they state outbuildings should be designed to reflect the main property style and have a similar roof pitch. The proposal would also be contrary to Paragraph 172 of the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Grade II Listed Buildings

15. Box Tree forms part of the converted Old Barn, a Grade II Listed Building dating back to the early 19th century. Together with the adjacent former Stable to the east and Dean Farmhouse to the west, they comprise a group of Grade II Listed Buildings associated with the former farm. Whilst these are designated for their architectural character, as a range of farm buildings, they derive particular significance from their age, former uses, relationship to one another

and pattern of development. The general absence of later building within the group allows this relationship and former use and association to be appreciated. Therefore, they each obtain some significance from their settings including the open areas.

16. Given the former farm use, the open surroundings around the group of buildings contribute visually to how they are experienced from prominent viewpoints, particularly from the open space to the north. Considering the forward siting of the carport, the angled position to Box Tree and the contrasting roof pitch with the dwelling, it would be visually intrusive and jar with the historic character of the Old Barn and disrupt the open character to the frontage of the Listed Building.
17. Further, the angled position of the car port to Box Tree would be at odds with the historic pattern of development in terms of the perpendicular and linear arrangement of the Listed Buildings. The proposal would conflict with the traditional arrangement of the Listed Buildings thus appearing prominent and intrusive harming views of the Stable and the Old Barn, particularly when viewed from the entrance drive to these properties and the open space to the north.
18. Dean Farmhouse is set further away from the appeal site and set back from the Old Barn. Accordingly, given this and the landscape screening to the front of this Listed Building the impact on the setting of this Listed Building would be unlikely to harm its significance when considered in isolation. Nevertheless, part of the significance of these Listed Buildings are their collective value as a group and the proposal for the reasons above would harm views of this group of buildings.
19. I recognise that the car port has been designed to sit into the slope of the site, and the use of wood and the open design of the car port is intended to mitigate its prominence. However, this would not effectively reduce the harm, and the siting and design would intrude into the setting of the Listed Buildings and consequently the significance that the buildings derive from their settings would be diminished as a result.
20. Whilst I acknowledge a detached garage is present in the grounds of the converted stable, this is positioned to the northern corner of the site and is well screened behind existing vegetation and its position is such, that it is largely hidden from view. This does not have the same visually intrusive and dominant effect on views of these Listed Buildings that the proposed car port would. Accordingly, its existence does not alter my view that the proposal will result in harm to the setting of these Listed Buildings.
21. I therefore conclude that the proposal would fail to preserve the setting of the group of Listed Buildings resulting in less than substantial harm to the significance of these designated heritage assets. The Framework says that such harm should be weighed against the public benefits of the proposal and that great weight should be given to an asset's conservation. In this case, the car port would serve only as a benefit for the private dwelling and its occupants. I acknowledge the appellant's view that the proposal would tidy up the site, however I do not consider the current open frontage of this corner plot nor the existence of bins to be unsightly. Therefore, this would not amount to a public benefit of the proposal. Accordingly, there are no public benefits which would outweigh the harm I have found.

22. I have had special regard to the desirability of preserving the setting of the Listed Buildings. I attach significant weight to the conservation of the designated heritage assets and the harm identified carries considerable importance and weight. Consequently, the proposal would fail to preserve the setting of the group of Grade II Listed Buildings and would be contrary to Policy NHE 9 of the DMP. Amongst other things, this policy seeks that development should protect and preserve the Boroughs designated heritage assets.

Other Considerations

23. I recognise the appellant requires additional storage due to his business and personal requirements. Whilst sympathetic to these needs, this does not justify the harm that would be caused by the proposal. I therefore give this matter little weight in favour of the development.
24. The appellant advances a number of factors that they constitute very special circumstances. This includes that the proposal would have a subordinate impact on the Green Belt, would not be visually dominant, offers the opportunity to enhance the soft landscaping, the external appearance would complement its surroundings and the siting would not result in a standalone structure. For the reasons set out in this decision and given the harm I have found to the design and siting of the proposed car port and its intrusive nature, I do not share the appellants view on these matters. I therefore attach limited weight individually to each of these factors advanced.
25. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the moderate harm that this would be caused to openness. This needs to be considered alongside the harm to the character and appearance of the area, the AONB, the AGLV and to the setting of the Grade II Listed Buildings. The Framework states that inappropriate development should not be approved except in very special circumstances. These 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. The other considerations identified above attract limited weight in this case.
26. Therefore, I consider 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 would conflict with Policy CS3 of the Core Strategy and the Framework.

Conclusion

27. For the above reasons, the appeal is dismissed.

S Thomas

INSPECTOR