

Appeal Decision

Site visit made on 28 September 2020

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/M3645/D/20/3248223

White House, Moor Lane, Dormansland RH7 6NX

- 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 Martin Holder against the decision of Tandridge District Council.
 - The application Ref TA/2019/2080, dated 29 November 2019, was refused by notice dated 30 January 2020.
 - The development proposed is described as: 'retention and alteration of detached barn style garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The garage at White House has been the subject of a previous application, an enforcement notice and linked appeal decisions. In October 2019 the appeals were dismissed, and the Inspector varied the enforcement notice. However, in so doing the requirement to demolish the four-bay garage building was upheld and a period of 6 months was given for compliance. The building is still in place. I have therefore determined the appeal on the basis that the existing garage is unlawful, and permission is sought to erect a smaller one.

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 (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area;
 - 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

Inappropriate development

4. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies, adopted 2014 (Local Plan) states that inappropriate development is, by definition, harmful to the Green Belt and will normally be refused. Proposals involving inappropriate

development will only be permitted where very special circumstances exist. This reflects paragraph 143 of the Framework. Policy DP13 of the Local Plan sets out the Council's approach to the assessment of buildings in the Green Belt. This is consistent with paragraph 145 of the Framework which states that the construction of new buildings should be regarded as inappropriate, subject to a list of specific exceptions.

5. However, Policy DP14 of the Local Plan explicitly deals with proposals for new garages and other ancillary domestic buildings in the Green Belt. Whilst this is not a form of development that the Framework supports, the policy sets out four specific criteria which such proposals must meet in order to be acceptable. The previous Inspector assessed the garage that had been erected on the site against these criteria. He found that although it met three of them, it failed to comply with Criterion 2 as it detracted from the rural appearance of the locality. As nothing has changed since his decision in respect of these three criteria, it is only necessary for me to assess the current scheme against Criterion 2.
6. The proposal before me is for a structure of significant proportions and height. It would be 12.35m wide and 5m deep with a traditionally tiled, pitched roof. The roof and wooden side elevations would be highly visible from the adjacent field. According to the appellant the building would abut, rather than extend over, the drainage ditch that runs along the edge of the garden. However, the submitted plan shows that it would straddle the current alignment of the drainage ditch and project beyond the existing fence line. It would also appear to be constructed over a culvert that runs beneath the existing building.
7. The proposed garage would interrupt the linear nature of the drainage ditch and cause an awkward kink in the appearance of the field edge. Although designed to mirror the appearance of a traditional rural building, it would nonetheless be a large structure that would project beyond the natural boundary formed by the existing hedge line and ditch. Its bulk and height would be highly visible from the footpath which runs parallel with the road and alongside White House's garden. The building as a whole would appear as an intrusive feature alongside, and appearing to project into, the undeveloped adjacent field. This would be harmful to its open character. The building would be 1.5m shallower than the current structure and its volume would be reduced by 12.3%. However, in my view, these alterations would not amount to significant reductions in the building's overall scale and bulk.
8. I am aware that there is a dispute between the parties about the extent of the residential curtilage of the property even though the appellant owns the field. Regardless of whether or not the drainage ditch is part of the residential use, in visual terms it reads as part of the surrounding countryside. Furthermore, the fence and vegetation along the entire edge of the field create a clear distinction between the domestic appearance of the garden and the agricultural character of the adjacent field.
9. When considering the enforcement notice, the previous Inspector focussed on the extent to which the garage projected beyond the residential curtilage as it was understood to be at that time. However, he concluded that the scheme before him failed not only because of its intrusion onto land in agricultural use but also because of its wider visual effects from the public footpath and the road to the west. While the current proposal is an attempt to address the first

of these points, it has not addressed the wider effects of introducing a building of the scale proposed onto this sensitive site. In any event as the existing building is unlawful, my role is to determine whether or not the current proposal as a whole is acceptable.

10. Taking all the above factors into consideration I consider that the proposal would detract from the rural character and appearance of the area. It would therefore fail to comply with Criterion 2 of Policy DP14 and must be assessed against the other Green Belt policies referred to above.
11. The only exception to the general presumption against new buildings in the Green Belt which is relevant to this case is set out in Section G of Policy DP13. This is consistent with the exception set out in paragraph 145 g) of the Framework. This states that partial redevelopment of previously developed sites is only acceptable where the proposal would not have a greater impact on openness of the Green Belt. The appellant refers to the presence of outbuildings which had become structurally unsound and have been removed. However, in the absence of specific details of their size, siting and date of demolition they are not relevant to the assessment of the current proposal.
12. Openness has both spatial and visual aspects. Even if the proposed garage was not visually intrusive, it would still have an effect on openness due to the extent of its footprint and volume. It would increase the quantum of development on the site. This would still be the case even if I was to accept that, due to the amendment of the boundary, the site falls entirely into the category of previously developed land. It would also be the case irrespective of whether or not the site as a whole has a lawful residential use. The proposal would result in a modest loss of openness to the Green Belt, which would be harmful. The proposal therefore fails to meet the requirements to be an exception under Section G of Policy DP13.
13. Consequently, I conclude that the proposal would be inappropriate development, contrary to local and national policies to protect the Green Belt.

Character and appearance

14. The garage would be a large structure due to its height and depth. I have already found it to be harmful to the rural character of the area due to its visibility from the public footpaths within the adjacent field. Its roof would also be visible to anyone travelling in an easterly direction along Moor Lane. Whilst its overall form and design would not be unusual for a building in a rural area, its location and siting would make it appear as a prominent and unexpected feature within this otherwise open and undeveloped area of countryside. The use of suitable materials would not diminish the harm arising from its unsuitable location.
15. The proposed garage would therefore harm the character and appearance of the area, contrary to Policy DP7 of the Local Plan and Policy CSP18 of the Tandridge District Core Strategy, both which require new development to respect its setting.

Other Considerations

16. The provision of a footpath alongside Moor Lane and improvements to the maintenance of the drainage ditch have undoubtedly made things safer for vehicles and pedestrians in the area. However, these works are unrelated to

the proposal for a new building and are not benefits that can be taken into account in my assessment of the appeal scheme. Similarly, the suggestion that replacing the white plastic cladding on the host property with more traditional materials would be beneficial to the site's appearance is not a factor in the scheme's favour, as it could be undertaken independently of the current proposal.

17. The proposal would not adversely affect highway safety or the amenity of neighbours. There is no evidence to suggest that it would conflict with other development plan policies to which my attention has been drawn. However, the absence of harm in these respects is not a factor in the scheme's favour.
18. The issue of the lawful use of the land within the red line of the application site is not a matter for me to address in the context of this appeal which is confined to a consideration of planning merits of the proposed garage.

Green Belt Balance and Conclusion

19. I have found that the proposed garage would be inappropriate development in the Green Belt, a matter to which I am required by the Framework to give substantial weight. In addition, I have found that the proposal would harm the character and appearance of the area, a matter which I give moderate weight.
20. There are no other considerations that clearly outweigh these cumulative harms. Therefore, the very special circumstances required to justify the proposal do not exist. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR