
Appeal Decision

Site visit made on 22 January 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 03 February 2021

Appeal Ref: APP/L3625/D/20/3260605

1 West Ridge Cottages, Colley Lane, Reigate RH2 9JN

- 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 Ms Suzy Driver against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/00949/HHOLD, dated 13 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is erection of detached garage following demolition of existing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposals would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect 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. If so, whether this would amount to the very special circumstances required to justify the proposal (the Green Belt balance).

Reasons

Whether the proposals would be inappropriate development

3. The appeal site is currently occupied by a single garage, within the domestic curtilage of 1 West Ridge Cottages (the host dwelling). The proposed replacement double garage would be located in approximately the same position.
4. Policy NHE5 (Development within the Green Belt) of the Reigate and Banstead Development Management Plan (2019) (DMP) supports development that responds to the character of the area, where it is not materially larger than the built form it replaces. Policy CS3 (Green Belt) of the Reigate and Banstead Local Plan Core Strategy (2014) (CS) at paragraph (2) states that '*planning*

permission will not be granted for inappropriate development in the Green Belt unless very special circumstances clearly outweigh the potential harm to the Green Belt.'

5. Paragraph 145 of the National Planning Policy Framework (Framework) states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. Under paragraph 145 (d) an exception to this includes 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.
6. Taking the measurements from the proposed plans, the replacement garage would be 6.09m x 7.30m with a ridge height of between 3.2m and 3.4m (at the highest point). The footprint of the existing garage is 6.19m x 3.13m, with a ridge height of 3.13m.
7. Whilst I note the appellant considers the garage would not be materially larger, I disagree. I therefore consider the proposals would constitute inappropriate development in Green Belt.

The effect on the openness

8. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development.
9. At the site visit, I noticed the adjacent property has a large double garage in a similar position within its plot. Whilst the proposed replacement garage on the appeal site would be materially larger than the existing single garage, I consider this would be of limited significance when considered within its context and against a garage of a similar size to that of the appeal proposals.
10. I therefore consider the proposal would result in very limited harm to the openness of the Green Belt.

The effect on character and appearance

11. The existing character of the host dwelling is that of an attractive unlisted traditional demi-detached brick cottage with dormer windows, of a similar rural character to surrounding properties. Colley Lane is a single track unmade road, serving numerous residential dwellings set in large plots, and along which driveways, parking and garaging is accessed.
12. In light of the neighbouring double garage serving an adjacent dwelling to the north of the appeal site and in this regard I consider a further double garage in the same approximate location as the existing single garage would not unduly harm the character of the area in light of this.
13. I therefore do not find harm to policy NHE5 of the DMP in respect of character and appearance.

The Green Belt balance

14. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

15. I consider the proposals to be inappropriate development in the Green Belt, with very limited harm to the openness of the Green Belt. I find limited harm to the character and appearance of the area.
16. The appellant refers to a fallback position allowing permitted development rights for an alternative garage proposal, having regard to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (Class E).
17. Based on the appellant's statement and in light of the council's dispute over what the principal elevation of the host dwelling is, I am without convincing evidence that a fallback position could be implemented, should this appeal be dismissed. I am therefore unable to give this material weight.
18. I note the appellant's argument that permitted development rights could be removed as part of a planning condition, and I have considered this. I also note the appellant's concern that the existing garage is in a poor state and requires replacement and I do not doubt this. However, I do not consider these points amount to the very special circumstances required outweigh the harm to the green belt by reason of inappropriateness.

Conclusions

19. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR