
Appeal Decision

Site visit made on 28 January 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 06 April 2021

Appeal Ref: APP/C3620/D/20/3261847

Rookery Hill Farm, Rookery Drive, Westcott, Dorking RH4 3LQ

- 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 L Binder against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1295/PLAH, dated 27 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is erection of a detached garage.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 09 February 2021.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage at Rookery Hill Farm, Rookery Drive, Westcott Dorking RH4 3LQ in accordance with the terms of the application, Ref MO/2020/1295/PLAH, dated 27 July 2020 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan 1605-08-PL08; Location Plan 1605-08-PL09; Proposed Elevations; Proposed Layout and Elevation 1; Proposed Layout and Elevation 2.
 - 3) The tiles to be used in the construction of the external surfaces of the development hereby permitted shall match those used at Rookery Hill Farm.

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;

- 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. Rookery Hill Farm is located at the top of a steeply sloping hill to the south west of the village of Westcott.
4. The appeal site is currently an area of land associated with Rookery Hill Farm, located further down a slope on a relatively flat area of grassed land.
5. Paragraph 143 of the National Planning Policy Framework 2019 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 145 of the Framework states that '*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*'. A series of exceptions to this are listed within the same paragraph, of which there is no specific exception for outbuildings or garages. Exception (a) does not apply as it relates to agricultural and forestry buildings. Exception (f) does not apply as it is not affordable housing, and it could not be considered as a facility for outdoor recreation and would not fall under exception (b). Given the position of the proposed garage relative to the host dwelling, the development cannot be regarded as infilling under exceptions (e) or (g). Exceptions (c) relating to extensions and (d) relating to replacement buildings are, therefore, the only relevant criteria. The proposed garage is not replacing any other building.
7. I therefore consider the proposals to constitute inappropriate development in the green belt.

appears to fall within the curtilage of the 'host' dwelling and due to its character *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. The location of the appeal site and appearance, this part of the site clearly relates more to the surrounding built form, rather than that of the surrounding open countryside.
10. As a result, I consider the proposed garage would have some impact on openness. However, due to its relatively modest scale, sympathetic siting and relationship to the host dwelling, I consider that this impact would be minimal. Overall, I find that the impact of the appeal proposals on the openness would not result in harm.

The Green Belt balance

11. 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.

12. Policy RUD9 (Garages and other Ancillary Domestic Buildings in the Curtilage of Dwellings in the Countryside) of the Mole Valley Local Plan (2000) (LP) is applicable to sites within Green Belt (as stated at para 5.50 of the LP) and provides that garages are normally permitted on condition that they are not excessive in size, relative to the dwelling they are to serve; do not constitute a dominant feature, in light of the character and appearance of the area; are not readily capable of subsequent conversion to residential accommodation; are not to replace an existing garage which has already been converted to residential use, and are for domestic purposes only.
13. At the site visit, it was clear to me that there were very few options for the siting of a new garage within the curtilage of the host dwelling, as a result of challenging topography and the presence of a number of substantial trees immediately adjacent to the host dwelling.
14. I have considered the appellant's reference to fallback position, which would allow a garage/outbuilding within the curtilage of the host dwelling as permitted development, pursuant to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (Class E). The appellant also refers to other examples of garages that have been allowed at neighbouring properties and the distances between the host dwellings and garages in each case. However, as I do not have the specific details of each of these cases, I have considered this appeal on its own merits.
15. In light of this, I consider that there are very special circumstances that outweigh the harm I have identified.

Conditions

16. I have applied conditions 1 and 2 for the purposes of precision and certainty, and a further condition (3) relating to materials, in order to preserve the character and appearance of the area.

Conclusions

17. For the reasons given and having regard to all matters raised, the appeal is allowed, subject to the conditions set out.

Sian Griffiths

INSPECTOR