
Appeal Decision

Site visit made on 18 May 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2021

Appeal Ref: APP/L3625/W/21/3267180

Heathfield, Brighton Road, Lower Kingswood KT20 6XL

- 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 Koper against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/01947/F, dated 9 October 2020, was refused by notice dated 7 December 2020.
 - The development proposed is erection of one 5-bedroom detached house including new access, associated external works and parking.
-

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;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and,
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. 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. It outlines that the construction of new buildings, other than in connection with a small number of exceptions set out in paragraph 145, should be regarded as inappropriate development.
4. Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy 2014 (the Core Strategy) 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. This is consistent with paragraph 143 of the Framework. Policy NHE5 of the Reigate and Banstead Local Plan Development Management Plan 2019 (the DMP) is broadly consistent with the exceptions set out in paragraph 145 b) and c) of the Framework. However, since the proposal would not extend, alter or replace a building, this policy is of limited relevance to my assessment of the appeal scheme. I have therefore proceeded on the basis of the approach set out in the Framework.

5. The appeal site forms part of the garden of Heathfield, which is a detached dwelling within a linear arrangement of properties positioned along Brighton Road and located within the Green Belt. The proposal consists of a 2 storey detached dwelling served by a new vehicular crossover and driveway which would be located on land that is currently open and free of built development. There is no dispute between the parties that the proposal is inappropriate development in the Green Belt and I see no reason to take a different view.

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 advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
7. The proposed 2 storey dwelling and associated hard surfacing and parking would be located on part of a residential garden that is open, green and free of built development. Accordingly, the proposal would cause a spatial loss of Green Belt openness. Furthermore, notwithstanding the vegetation that exists within the site, the proposal would be visible from Brighton Road and the surrounding countryside, which would therefore result in a visual loss of openness. Consequently, the proposal would, by virtue of its permanence and size, harm the openness of the Green Belt and it would be contrary to one of its purposes which is to safeguard the countryside from encroachment.

Character and appearance

8. The immediate vicinity of the appeal site consists of a short linear arrangement of dwellings that are set within the countryside. The properties are individually designed and generally have pitched roofs with a ridged apex. The massing of the dwellings is broken through pitched main roofs spanning modest plan forms and the provision of front and rear projections, including gables.
9. The proposed dwelling would have a roughly square plan form that would be of considerable depth at upper floor level. It would have a crown roof with a large flat section on top, which would contrast markedly with the neighbouring roof forms. Whilst the front gable feature would respond to the context of the site, due to the considerable footprint of the dwelling and its large crown roof, the proposal would appear overly bulky and out of keeping with the scale, massing and form of the neighbouring dwellings. Furthermore, the external elevations would display a lack of architectural detailing and refinement, which would fail to achieve high quality design and further emphasise the discordant nature of the proposal.

10. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. It would therefore be contrary to Policies DES1 and DES2 of the DMP and guidance in the Local Distinctiveness Design Guide Supplementary Planning Guidance 2004. Amongst other things, these policies expect all new development to be of high quality design that makes a positive contribution to the character and appearance of its surroundings.
11. The Council also cites Policy CS4 (valued townscapes and the historic environment) of the Core Strategy, and the officer's report suggests that Heathfield could be considered an undesignated heritage asset. Nevertheless, whilst this building does display attractive architectural detailing, there is limited information before me relating to its significance. Therefore, on the basis of the evidence before me, I am unable to conclude that the proposal would be harmful to the significance of a non-designated heritage asset. However, this matter would not alter my findings.

Other considerations and Green Belt Balance

12. 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 Framework is clear that substantial weight should be given to any identified harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. I acknowledge the appellant's statement that it may be possible to erect outbuildings incidental to the enjoyment of the dwelling house, covering 50% of the curtilage without requiring planning permission. Be that as it may, given the limitations and restrictions in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 as amended, this would not have the same impact on the openness of the Green Belt as the proposed 2 storey dwelling. No information has been presented to enable a comparison of potential harm to be made, or that there would be a greater than theoretical possibility that such development might take place. I therefore give this consideration limited weight.
14. The appellant acknowledges that the appeal site is not within a village, and therefore it does not meet the exception in paragraph 145 e) of the Framework. However, the location of the proposed dwelling within a row of properties is put forward as a consideration. Nevertheless, the proposal would be inappropriate development in the Green Belt, and I have also found that it would cause a loss of Green Belt openness and encroach into the countryside. This consideration therefore attracts limited weight.
15. I have found that the proposed development would be inappropriate development in the Green Belt and it would cause a loss of Green Belt openness. I therefore attach substantial weight to the harm to the Green Belt, in accordance with paragraph 144 of the Framework. In addition, I have found that the proposal would harm the character and appearance of the area.
16. Overall, the other considerations identified in support of the scheme, even when taken together, would not clearly outweigh the totality of the harm to the Green Belt and other harm. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would

therefore be contrary to the Framework and Policy CS3 of the Core Strategy, which seek to protect the Green Belt.

Conclusion

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

C Osgathorp

INSPECTOR