



Appeal Decision

Site visit made on 21 July 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/M3645/D/21/3267367

Ford House, Ford Manor Road, Dormansland, RH7 8NZ

- 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 Adams against the decision of Tandridge District council.
 - The application Ref TA/2020/1720, dated 28 September 2020, was refused by notice dated 24 November 2020.
 - The development proposed is a new detached garage/car port with home study over.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal is inappropriate development in the Green Belt;
- other considerations; and
- if the development is inappropriate, 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 necessary to justify the development.

Reasons

3. Ford House is a substantial detached two-storey dwelling, designated a Building of Character, located in a large garden plot. The area, which is rural in character, is situated in the Green Belt area of Dormansland.

Whether the proposal is inappropriate development in the Green Belt

4. Paragraph 147 of the National Planning Policy Framework (the Framework) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. While the Framework goes on to identify, at paragraphs 149 and 150, a number of exceptions to this none apply to the form of development proposed here.

6. In my view, taking the foregoing into consideration, the proposal is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. I give substantial weight to the harm by reason of inappropriateness.

Other considerations

7. I have found that the development is inappropriate, I shall now consider whether the 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.
8. The proposed building would have a floor area of 7.0 metres x 7.0 metres with a pitched roof with the overall height being some 5.5 metres. Access to the first floor would be via external access stairs. The Council's unchallenged evidence is that the volume of the building, excluding the stairs would be 206.6 cubic metres.
9. The proposed garage building would be located to the north of the walled courtyard containing a number of other outbuildings and to the north east of the main residence. It would be open to views from Ford Manor Road to the north and the open farmland to the east.
10. In my judgement, given the three-dimension form, height and location of the proposed garage it would cause significant harm to the openness of the Green Belt. I give significant weight to this harm in the planning balance.
11. I appreciate that the garage would be set a little outside the courtyard of other outbuildings. However, given the scale, three-dimensional form and vernacular design of the proposed garage I am not persuaded that the building would cause harm to the character and appearance of the surrounding area. It would therefore accord with Policies CSP18 and CSP21 of the Tandridge District Core Strategy (Adopted October 2008) (CS) and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (Adopted July 2014) (LP) as they relate to amongst other things the need to integrate with its surroundings, reinforce local distinctiveness and landscape character.
12. The development would not cause harm to the character and appearance of the area, the non-designate heritage asset, residential living conditions and important trees. However, the absence of harm is a neutral factor in my considerations and, as such, I have given these matters only very limited weight in my decision.
13. The appellant has drawn my attention to some examples of similar developments where outbuildings have been constructed in front of dwellings. However, whatever the background to those cases, the existence of a similar development nearby is not, in itself, an appropriate justification for permitting another here which I have considered on its own planning merits. I therefore give this consideration little weight.
14. The proposal is inappropriate development, which by definition is harmful to the Green Belt, and the Framework requires substantial weight to be attached to that harm. It would also cause a small reduction in the openness of the Green Belt contrary to national Green belt policy as set out in the Framework. For the appeal to succeed the combined weight of the other considerations must clearly outweigh the totality of the harm arising. Having taken account of

the other considerations and found that they do not clearly outweigh the totality of the harm that would be caused, I consider that the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the provisions of the Framework and LP Policies DP10 and DP13.

15. LP Policy DP14 relates to new garages and other ancillary domestic outbuildings in the Green Belt. It recognises that while not a form of development supported by the Framework there may be circumstances where a new building would not be permitted development but would be a reasonable addition to the domestic use of the property. The forward to the Policy states that where a proposal is in compliance with the Policy it would in effect constitute 'very special circumstances'.
16. The policy outlines that such proposals will be permitted provide that they comply with the following four criteria; *(1) do not constitute a dominant feature and are not excessive in size having regard to the size of the dwelling they are to serve; (2) do not detract from the rural character or appearance of the locality; (3) are not to replace any existing garage that has been converted to residential use; and (4) will not be used for any purpose which is not incidental to the enjoyment of the dwelling.*
17. From the evidence before me I consider that the proposed development would accord with criterion 2, 3 and 4 of Policy DP14. Given the size of the main house I do not agree with the Council that the proposed building alone would constitute a dominant feature and would be excessive in its size having regard to the dwelling it would serve. In that respect the development would therefore also accord with criterion 1. Nevertheless, I conclude, following the balancing exercise that, in the particular circumstances of this case, there would, nonetheless, be no very special circumstances notwithstanding the wording of LP Policy DP14.
18. Accordingly, I conclude that the appeal should be dismissed.

Conclusions

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR