



Appeal Decision

Site Visit made on 11 August 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/C3620/W/21/3268809

Land on the South Side of Reigate Road, Shagbrook, RH2 9RE

- 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 Mark Papworth against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1788/PLA, dated 6 October 2020, was refused by notice dated 16 December 2020.
 - The development proposed is replacement of damaged garden shed on same footprint.
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Decision

1. The appeal is allowed, and planning permission is granted for replacement of damaged garden shed on same footprint at Land on the South Side of Reigate Road, Shagbrook, RH2 9RE in accordance with the terms of the application, Ref MO/2020/1788/PLA, dated 6 October 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2021-38 001 P01, 2021-38 002 P01, 2021-38 010 P01, 2021-38 110 P01

Preliminary Matters

2. The fact that development has been carried out is not in dispute. For the avoidance of doubt, the fact that development has occurred has had no bearing on my decision.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the area
 - If the proposal is inappropriate development, whether 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

Whether the proposal is inappropriate development

4. The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 149 or 150 of the Framework.
5. Of relevance to this appeal is that 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development' and 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' are listed as exceptions in paragraph 149.

Redevelopment of previously developed land

6. The appeal site is outside the residential curtilage of Shagbrook. There is no dispute that there was previously a shed on this non-residential land. Consequently, this land is or was occupied by a permanent structure. Therefore, to be categorised as previously developed land for the purposes of the Framework, the matter before me is not whether the shed was in use or usable, but whether the remains of the structure have blended into the landscape. The evidence submitted states that this shed was crushed by a fallen branch and I am provided with photographs. Although these show that the shed was in an overgrown area, it is nevertheless identifiable as a structure and therefore it appears to me that it had not blended into the landscape.
7. Paragraph 149 g of the Framework also requires consideration of the impact on openness and I will address this later in this decision.

Replacement of a building

8. As stated above I am satisfied that there was a permanent structure on this land and therefore the development that is the subject of this appeal was a replacement of this building.
9. I do not have substantive evidence that leads me to doubt the size of the previous shed shown in the submitted plans. The appeal scheme introduces a pitched roof, increasing the ridge height by around 0.5m but reduces the footprint by around 0.5m in width. This results in a building that is not materially larger than the one that it replaces.

Openness

10. Openness has both spatial and visual dimensions. As stated above the size of the building is comparable to the one that it replaces. Nor am I persuaded that any other aspect of the proposed development harms the visual or spatial openness of this area.

11. Consequently, the development that is the subject of this appeal does not have a greater impact on the openness of the Green Belt than the previously existing development.
12. For the reasons described above the development that is the subject of this appeal is not inappropriate development in the Green Belt in the terms of the Framework nor does it result in harm to the openness of the Green Belt. As such, in this respect, it complies with Policy ENV23 of the Mole Valley Local Plan Adopted 12th October 2000 (the Local Plan) which requires that the setting is respected in terms of the impact on the rural amenities of the Green Belt, amongst other things.

Character and Appearance

13. The area around the shed comprises a natural vegetated area which sits between the residential gardens of Shagbrook and Garden Cottage.
14. The proposed development appears as a modest shed. It is proposed to be used for storage, garden maintenance equipment and domestic and garden DIY, ancillary to the use of the land. The timber walls and metal and plastic corrugated roof are visually appropriate materials to such a building. I have taken into account its size and use including the lack of hardstanding and limited comings and goings. As such, a building of this appearance, scale and use is appropriate to the character and appearance of this site and surroundings.
15. At my site visit an area had been cleared around the outbuilding. However, planning permission would not be required for the maintenance of the land in this way, and whilst this may make the structure more visible from surrounding properties, given I do not find harm with regard to its appearance, such visibility is not harmful.
16. Consequently, the development this is the subject of this appeal has an acceptable effect on the character and appearance of the area. As such, in this respect, it is in accordance with Policy CS14 of the Mole Valley Local Development Framework Core Strategy DPD Adopted October 2009 and Policies ENV22 and ENV23 of the Local Plan which require that new development respects its setting, respects and enhances the character of the area and is appropriate to the site, amongst other things.

Other Matters

17. Having concluded that the proposal does not amount to inappropriate development it is not necessary to consider very special circumstances.
18. Notwithstanding that it appears reasonable that there would be some storage required for equipment to maintain the appeal site, which is located close to a new access, there is no requirement to demonstrate a need for the use.
19. Although I do not have evidence that such an application is likely, any applications for changes of use, or additional hardstanding that required planning permission would be judged on their individual merits. These matters are not before me now. Furthermore, the appeal scheme relates to a single shed as shown in the submitted drawings and does not include any other sheds, structures, or a crossover. I have considered the appeal on this basis.

Nor am I persuaded there is any justification to restrict the provision of utilities to this outbuilding.

20. The shed does not contain any windows and the door faces away from the nearby residential properties, therefore there is not a loss of privacy. As set out above, the clearance of the land is not part of the appeal proposal and I am not presented with detailed evidence that the replacement of a shed results in harm to the security of neighbouring gardens. The development does not change the use of the land and as such the noise from any activities carried out would not change, albeit the shed provides on site storage for any equipment that was used.

Conditions

21. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
22. The development has taken place and therefore I am not attaching the standard implementation condition. However, in the interests of certainty I have attached a condition to define the plans with which the scheme should accord.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR