



Appeal Decision

Site Visit made on 14 September 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2021

Appeal Ref: APP/M3645/D/20/3249163

Poets Corner, Pikes Lane, Crowhurst RH7 6LX

- 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 Nigel Bryant against the decision of Tandridge District Council.
 - The application Ref TA/2019/2157, dated 6 December 2019, was refused by notice dated 9 March 2020.
 - The development is "Application for minor amendment to planning permission 2017/211, for alteration to roof shape, removal of roof lights and repositioning of fenestration" (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an outbuilding which has already been constructed other than in accordance with an earlier planning permission granted by the Council (Ref 2017/211, 'the Approved Scheme'). There is an extant enforcement notice relating to the outbuilding which was upheld and varied at appeal¹. The proposal relates to an amended outbuilding design, which is therefore different to the Approved Scheme and that considered by the previous Inspector.
3. The appellant has advised that the scheme shown in the submitted plans associated with this appeal has now been carried out; specifically, the roof ridge and slopes have been lowered and roof lights have been removed (compared to that considered by the previous Inspector). For clarity the outbuilding also differs from the Approved Scheme in respect of its excavated ground floor level, overall height and form, internal layout including the provision of a first-floor level, a shower-room and a kitchen, and a different fenestration layout.
4. The appellant's appeal statement confirms the development the subject of this appeal has been completed, and the appeal is therefore made retrospectively. I have added the text '(retrospective)' to the description of development in the banner heading above.

Main Issues

5. Taking the above into account, the main issues are: (i) whether the outbuilding is inappropriate development in the Green Belt having regard to the

¹ APP/M3645/C/19/3223645

Framework² and any relevant development plan policies; (ii) the effect of the outbuilding on the openness of the Green Belt; (iii) the effect of the outbuilding on the character and appearance of the area; and (iv) if the outbuilding does constitute inappropriate development, 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 allow the appeal.

Reasons

6. The appeal site is located within the Green Belt and is occupied by a bungalow with a large garden, double garage, and swimming pool. The outbuilding is located adjacent to the swimming pool, at a lower level than the garage and bungalow.

Whether the outbuilding is inappropriate development in the Green Belt

7. Paragraph 147 of the Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate development, other than where specific exceptions apply. None of the exceptions referred to by the Framework expressly apply to the outbuilding. Policies DP10 and DP13 of the Council's Local Plan³ reflect the Framework in these regards.
8. Policy DP14 of the Council's Local Plan states planning permission will be granted for new ancillary domestic buildings in the curtilage of dwellings located within the Green Belt where they meet four criteria. The policy's supporting text explains that compliance with these four criteria would constitute the very special circumstances referred to by the Framework, which I shall return to later.
9. As the outbuilding comprises the erection of a new building within the Green Belt and does not meet any of the exceptions referred to by Paragraph 149 of the Framework or Policies DP10 and DP13, I have assessed it on the basis that it constitutes inappropriate development in the Green Belt.

Openness

10. Paragraph 137 of the Framework states: "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Paragraph 138 then identifies five purposes Green Belts serve, including, amongst other things, to assist in safeguarding the countryside from encroachment. Openness is therefore an essential characteristic of the Green Belt, which has spatial and visual aspects.
11. Although the appeal site is largely enclosed by tall fencing and planting, there are views into the site from Pikes Lane and the neighbouring dwellings at The Oast House and Pikes Farm. I noted views of the outbuilding from Pikes Lane to the north and along Willow Drive to the south. In all these views, as well as from within the appeal site, the outbuilding is a dominant feature, of significant

² The National Planning Policy Framework (2021)

³ Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029 (2014)

mass in comparison to all other buildings within the appeal site, including the bungalow. It appears as a two-storey building, and has a substantial internal useable floor area. The outbuilding therefore reduces the openness of the Green Belt visually and spatially.

Character and Appearance

12. The appeal site and its surrounding area are characterised by their rural setting. The appeal site is more open, with buildings of a smaller scale than the neighbouring properties to the north and northeast, which are occupied by large dwellings of historic appearance. The appeal site is separated from the cluster of modern houses further away to the south by a thick band of trees. The appeal site therefore forms part of a grouping of dwellings located within the open countryside, which is distinctly rural and sparsely developed in character and appearance.
13. On account of its overall size and form, including its excavated position, and its appearance as a dominant building in comparison to the bungalow, the outbuilding is an uncharacteristic feature. It harms the open and spacious rural character and appearance of the area contrary to Policy DP7 of the Council's Local Plan and Policy CSP18 of the Council's Core Strategy⁴. These policies require, amongst other things, development to integrate effectively with its surroundings and respect local distinctiveness, context and character without resulting in unacceptable intensification by reason of scale or form.

Other Considerations

14. Policy DP14 of the Council's Local Plan identifies very special circumstances under which ancillary domestic buildings in the Green Belt may be permitted. In summary, to accord with all these exceptions, development must: (1) not constitute a dominant feature and not be excessive in size compared to the dwelling they serve; (2) not detract from the rural character or appearance of the locality; (3) not replace any existing garage that has been converted; and (4) not be used for any purpose which is not incidental to the enjoyment of the dwelling.
15. It is clear that the outbuilding complies with exception criterion (3), but in my reasoning above I have found that it does not accord with exception criteria (1) and (2). The outbuilding is of substantial scale, two storey and physically separate from the bungalow, containing a shower-room and kitchen. Although many internal alterations may not comprise development requiring planning permission, these features all make the outbuilding capable of being occupied independently of the bungalow. On this basis, the outbuilding cannot reasonably be said to accord with criterion (4). That is notwithstanding that the appellant makes no reference to its use other than as an 'outbuilding'.
16. The Approved Scheme has not been implemented, but I note the appellant's claim that the outbuilding is no higher than that previously approved, when measured from the ground level adjacent to the garage. This may be the case, but as set out above, it is appropriate to assess the effect of the outbuilding on the openness of the Green Belt spatially and visually. The ground floor level and part of the land surrounding the outbuilding have been excavated and the outbuilding is therefore notably taller than the Approved Scheme when

⁴ Tandridge District Core Strategy (2008)

measured from the excavated ground floor level. This provides substantially more space within the outbuilding compared to the Approved Scheme, which is clear in views within the appeal site where the full proportions and excavated ground floor level of the outbuilding can be seen.

17. The excavation of the ground floor level of the outbuilding has therefore resulted in development which is larger than the Approved Scheme, in both a spatial and a visual sense. The outbuilding constructed also fails to accord with three of the four necessary exception criteria referred to by Policy DP14. The Approved Scheme acts as a fallback position, and its effect in terms of character and appearance would be similar when viewed from outside the appeal site. However, I assign only moderate weight to this consideration against the harm the outbuilding causes to the Green Belt by reason of its inappropriateness and the loss of openness, which result from its significant increase in size, compared to the Approved Scheme.
18. An extension at Pikes Farm has also been referred to, which includes rooflights and where the appellant claims no conditions were attached prohibiting internal excavations or additional internal floors being installed. I have not been presented with the full details and reasoning which resulted in that development being granted planning permission. I do not consider the possibility that such works may be lawful or may be carried out in that case to affect my reasoning or findings on the Main Issues in this appeal.

Conclusion

19. I have found the outbuilding constitutes inappropriate development within the Green Belt as defined by the Framework. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also identified harm caused to the openness of the Green Belt and the character and appearance of the area. I attach substantial weight to the harm caused to the Green Belt by reason of inappropriateness and loss of openness. I attach less, but still significant, weight to the harm caused to the character and appearance of the area.
20. The Approved Scheme acts as a fallback position, but this does not clearly outweigh all of the harm identified, and neither do any other considerations. I have not found any very special circumstances that justify the outbuilding. There are no material considerations that indicate the application should be determined other than in accordance with the development plan, and for the reasons given above, I therefore conclude that the appeal should be dismissed.

L Douglas

INSPECTOR