



Appeal Decision

Site visit made on 25 October 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State for

Decision date: 29th October 2021

Appeal Ref: APP/M3645/D/20/3249966

Pond Cottage, 77 Redehall Road, Smallfield RH6 9QA

- 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 Monsur Ali against the decision of Tandridge District Council.
 - The application Ref TA/2019/1953, dated 6 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is for the conversion of the attached triple garage on the side of the house and the reconstruction of an existing adjacent covered patio area at the rear.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The *National Planning Policy Framework* (the Framework) represents the Government's up-to-date planning policies for England and how they should be applied. The Government published a revised Framework on 20 July 2021 and is a material consideration for development proposals. I note however, in this case, that the main parties have made no further comments in respect of these changes.
3. The Council has brought to my attention that the appellants' submitted drawings do not fully represent the proposed development. Specifically, a covered patio area to the East elevation has not been included. However, I noted at my site visit that in addition to the garage conversion that the patio area has already been completed on the appeal site.

Main Issues

4. The main issues are:
 - whether the proposal would represent inappropriate development in the Metropolitan Green Belt (Green Belt) having regard to the Framework and relevant development plan policies, and if inappropriate development,
 - the effect of the proposal on the openness of the Green Belt, and;
 - whether any harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

5. The appeal site is located in the Green Belt and accommodates a detached property set back from the highway behind hedges and trees and a gravelled parking area with a landscaped garden to the rear. The immediate built environment is bordered by agricultural type fields and is typified by small clusters of one and two-storey development strung along and behind Redehall Road as it runs towards the village of Smallfield some of which looks onto the rear garden of the host dwelling.
6. The proposal is to convert an existing triple garage to the side of the host dwelling in similar materials to the main building to create an office and a gymnasium. The existing patio structure to the rear of the property would be demolished and a covered patio area would be constructed in its place.
7. The Framework sets out clearly in Paragraphs 147-151 that unless an exception can be demonstrated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist. In this case the appellant contends that Paragraph 149 (c) of the Framework applies, which says that the extension or alteration of a building will be permitted provided that it does not result in disproportionate additions over and above the size of the original building as it existed on 31 December 1968, and hence represents an exception in respect of inappropriate development in the Green Belt.
8. Whether other Councils apply more generous limits to the extension or alteration of a building in the Green Belt or not, Tandridge District Council calculate that the garage extension and covered patio area in addition to previous extensions to the dwelling represents an increase of approximately 74% to the overall volume of the original building. Conversely, the appellant calculates that the appeal property only covers 12.5% of the appeal site and that the addition of the proposal would represent a 37.9% increase to the overall volume of the original building, and therefore equates to overall extensions to the host property of less than the upper limit of 40%.
9. However, consideration of whether a development is 'materially larger' as described in Paragraph 149 of the Framework is not restricted solely to floorspace. There are other considerations which depend on the circumstances of the case. For example, in this instance, while the main parties agree that the proposal accords with the character and appearance of the surrounding built environment, the development nevertheless extends into the host garden space where previously it did not.
10. Moreover, the protrusion is directly adjacent to a further structure in the form of a covered patio area of some scale and mass in comparison to the previous opened sided patio that runs along the side boundary with the neighbouring gardens, and includes a fixed timber style floor and an enclosed seating area with a wooden framework on three sides.
11. As such, in the planning judgement, the development in combination with previous extensions represents a disproportionate extension to the host property. I conclude therefore, that the development would be inappropriate development in the Green Belt.

Openness

12. I acknowledge that the loss of openness that would be directly attributable to the appeal scheme would not be great in itself. However, the protruding and bulky proposal is not subservient to the main dwelling to the rear, and hence would have a visual impact on the Green Belt particularly when viewed from the upper floors of the surrounding development. As such, I conclude that the proposal is inappropriate development that would materially harm the openness of the Green Belt.

Green Belt balance

13. Inappropriate development and harm to openness is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework requires that substantial weight is given to any harm to the Green Belt. Moreover, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations to justify the development.
14. The appellant has brought to my attention that whilst specific measures to mitigate the harm to the Green Belt could not be agreed with the Council the development has nonetheless resulted in improvements to the fabric and layout of the building.
15. Furthermore, the development offers numerous opportunities to increase the well-being of his family, such as the provision of a gym and homeworking, as well as alternative parking for contemporary style motor vehicles. This is noted. However, I afford these matters little weight. The Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open.
16. I have found that the proposal is inappropriate development that would erode the essential characteristics of the openness of the Green Belt. Furthermore, the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate that very special circumstances exist.
17. Accordingly, the proposal does not meet the requirements of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014) which say, amongst other things, that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused.
18. For similar reasons, the proposal is contrary to Paragraph 138 (c) of the Framework which identifies five purposes of the Green Belt, one of which is relevant in this case; to assist in safeguarding the countryside from encroachment.

Conclusions

19. Having considered all matters raised in support of the proposal I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal is in conflict with the adopted development plan when considered as a whole, and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR