The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/M3645/D/21/3278162
Little Meadow, Hallıloo Valley Road, Woldingham, CATERHAM, CR3 7HP

- 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 Robert Rolls against the decision of Tandridge District Council.
- The application Ref TA/2021/860, dated 4 May 2021, was refused by notice dated 30 June 2021.
- The development proposed is erection of a new carport.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

3. The main issues raised in respect of this appeal are: -

   a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and the effect of the proposal on the openness of the Green Belt; and

   b) Whether harm by reason of inappropriateness would be clearly outweighed by other considerations. If so, would those amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate development and openness

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DP10 of the Tandridge Local Plan (the Local Plan) reflects this.

5. The Framework states that the local planning authority should regard construction of new buildings as inappropriate development in the Green Belt. Policy DP13 of the Local Plan also reflects this.

6. Policy DP14 of the Local Plan indicates that planning permission will be granted for new garages and other ancillary domestic buildings in the curtilages of dwellings located in the Green Belt. However, such development is subject to criteria set out in this policy. I shall consider each in turn.

7. Part 1 requires the proposed building not to constitute a dominant feature and not to be of excessive size having regard to the size of the dwelling that it serves. There are existing outbuildings but these are smaller and lower in height to that of the dwelling. In contrast to the existing outbuildings, the carport would be a large, tall structure. It would not appear as a subservient building to that of the dwelling that it would serve. Therefore, the proposed carport would be a dominant feature and consequently would not comply with Part 1.

8. Part 2 requires the proposed building not to detract from the rural character and appearance of the locality. Policy CSP18 of the Tandridge District Core Strategy (the Core Strategy) also requires new development to respect character, setting and local context.

9. The property has a lower siting in the landscape to that of the adjacent highway, Hallıloo Valley Road. I saw that the site was visible in public views from the adjacent highway. The proposal would increase domestic related development at the site. However, the site is already domestic in both character and appearance. Nonetheless, there is a sense of spaciousness surrounding the existing property that is itself surrounded by a largely rural landscape. The position of the carport would result in development spanning almost the full width of the site along its frontage.

10. The carport would be a large structure and would diminish the sense of spaciousness that currently exists along the site frontage. Reducing the sense of spaciousness and compounding residential development along the frontage would be visually harmful to the character and appearance of the site and would detract from the rural character and appearance of the locality.

11. I acknowledge that the carport would be of an open design construction and have a lower siting to that of the adjacent highway and be positioned adjacent a retaining wall. However, these factors, along with the existing tree vegetation around the site, would not obviate the harm that I have identified relating to the spaciousness of the site and the general rural character and appearance of the locality.

12. In respect of Part 3, the proposal would not replace an existing garage that has been converted to residential use. With regard to Part 4, the carport would be an incidental use to the host dwelling. The proposal would not conflict with these parts of Policy DP14.

13. I have found the proposed carport to be an overly large structure having regard to the dwelling that it would serve that would detract from the rural character and appearance of the locality. In addition, the carport would be an overly large structure that would represent a disproportionate addition over and above the size of the original building. This brings the proposal into

conflict with Policies DP10, DP13 and DP14 of the Local Plan, Policy CSP18 of the Core Strategy and the Framework. In not complying with the development plan and the Framework, the proposal would be inappropriate development in the countryside.

14. Further to the above, the proposal would introduce permanent built form on part of the site that is currently open and undeveloped, and this would result in loss to openness of the Green Belt. Whilst the effects would be moderate, there would be a degree of harm arising from this development, in addition to that arising from the inappropriate nature of the development. Consequently, I find that the proposal does not comply with the Framework as a permanent carport would not preserve the openness of the Green Belt which is an essential characteristic of Green Belts.

Other considerations

15. The carport is required to protect vehicles. Falling trees have caused harm to cars parked in the area where the carport is proposed. Indeed, the photographs provide in support of the appeal show a fallen tree upon vehicles. Improving protection for the appellant's vehicles would be a personal benefit for the appellant. This holds moderate weight in favour of the proposal.

16. Without the protection of the carport, the appellant indicates that consideration would be given to removing all trees within their ownership to reduce the risk of damage to vehicles arising from falling trees. If this where to take place this could have a negative visual impact upon the rural character and appearance of the locality noting that the trees are visible from the public highway. However, there is no clear evidence that would indicate that the trees would be removed if permission for the carport was not forthcoming. This holds no weight in favour of the proposal. In any event, the removal of trees would not overcome the inappropriate nature of the development to the Green Belt and harm to openness that would result from the development.

Conclusion

17. In conclusion, I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework. Furthermore, the proposal would not preserve the openness of the Green Belt as required by the Framework. The proposal would conflict with Policies DP10, DP13, DP14 and CSP18 of the development plan. Therefore, the proposed development would by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. The benefits of the other considerations, which at best hold moderate weight, do not clearly outweigh the harm that I have identified.

18. Having regard to all matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with the development plan and the advice in the Framework. For the reasons given, I conclude that the appeal should fail.

Nicola Davies

INSPECTOR