



Appeal Decision

Site visit made on 5 April 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Appeal Ref: APP/D3640/D/21/3278174

Tilehurst Cottage, Bagshot Road, Chobham, Woking GU24 8DE

- 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 & Mrs Ewins against the decision of Surrey Heath Borough Council.
 - The application Ref 21/0374/FFU, dated 30 March 2021, was refused by notice dated 14 June 2021.
 - The development proposed is described as Car barn addition.
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Decision

1. The appeal is allowed, and planning permission is granted for Erection of a car barn at Tilehurst Cottage, Bagshot Road, Chobham, Woking GU24 8DE in accordance with the terms of the planning application Ref. 21/0374/FFU dated 30 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans/drawings: CDA-307-001; CSA-307-002 Rev A; and, CDA-307-003 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those stated in section 5 of the planning application form.

Procedural Matters

2. The description in the banner heading above is taken from the planning application form. In the decision paragraph I have used the description from the decision notice and the appeal form which more accurately describe the development as Erection of a car barn.
3. Since the application was refused planning permission the Government published the revised National Planning Policy Framework (2021) (the Framework) on 20 July 2021. The Council and appellant have had the opportunity to comment upon the implications of this for their cases.

Main Issue

4. The main issue is whether the proposed development would be inappropriate development in the Green Belt.

Reasons

5. The appeal site is located within the Green Belt. Paragraph 137 of the Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework identifies the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to exceptions listed in paragraphs 149 and 150.
6. The appeal site comprises a detached dwelling on a sizeable wide plot which I am informed was built in 2018. The Council's view is the new building, would be inappropriate development as it does not meet the exceptions listed in paragraphs 149 and 150 of the Framework. One exception listed in paragraph 149c) is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building.
7. The appellant has explained the findings and provided a copy of appeal decision letter Ref. APP/D3640/D/20/3262350. In that appeal the Inspector concluded a detached car port could be considered an extension to an existing building under what is now paragraph 149c), having regard to Court findings in *Sevenoaks District Council v SSE and Dawe [1997]* which was referred to in two other appeal decisions. In the judgement it was concluded that the particular outbuilding was a normal domestic adjunct, and such proposals may be considered in this manner under 149c).
8. In APP/D3640/D/20/3262350 that Inspector explained whether the outbuilding is considered as a normal domestic adjunct is a matter of fact and degree for the decision maker to assess. Its scale was domestic, it had a functional and a close physical and visual relationship with the dwelling, resulting in the conclusion it was a normal domestic adjunct. I see no reason to suggest this is not a logical approach to the consideration of the proposal before me.
9. This proposed car barn would be located approximately 0.9m from the site boundary and 1.4m from the side elevation of the dwelling back of the front elevation. It would accommodate two cars and some storage associated with the dwelling, so it is domestic in nature and has a functional relationship with the dwelling. Its size is domestic in scale and its position and short distance from the dwelling means it would have a close visual relationship with it, appearing as an extension from many locations. Given these specific circumstances, based upon the evidence before me in relation to this appeal, this proposal is a normal domestic adjunct and should be considered as an extension under paragraph 149c) of the Framework.
10. The existing dwelling replaced a previous building. It was approved under a full 2017 permission and modified by a 2018 section 73 permission. I see no substantive evidence to suggest the development had commenced before the 2018 permission had been granted. It has been constructed in accordance with the 2018 permission. Therefore, the evidence suggests the existing dwelling is the original building under the definition in Annex B of the Framework. Any proportionality judgement under paragraph 149c) should be made in relation to the 2018 scheme.
11. The appeal proposal represents an approximately 17.5% increase in footprint of the dwelling. It would represent an approximately 25% volumetric increase

in comparison to the 2017 dwelling, and a 19.2% increase compared to the 2018 as built dwelling, and if regard were to be had to the previous polytunnel it would be a 19.5% increase. Its limited size, scale, footprint, and volume, in relation to both the 2017 and 2018 schemes would be subservient and would not result in disproportionate additions over and above the size of the original building, whether this be the 2017 or 2018 scheme. Therefore, it meets the exception under paragraph 149c) to inappropriate development.

12. Paragraph 149c) does not require an additional assessment to be made upon openness or the purposes of including land within the Green Belt, to meet it. Neither is there a requirement for the appellant to demonstrate that very special circumstances exist.
13. Consequently, for the reasons identified above, the proposed development would not be inappropriate development within the Green Belt. Therefore, it would not conflict with paragraphs 147 and 149 of the Framework, which seek to protect the Green Belt from inappropriate development.

Other Matters

14. While the development would be relatively prominently sited from the west, north and south, it would be of a subservient scale and a high quality design. The Council does not raise an objection to its effect upon the character and appearance of the area or upon the living conditions of neighbouring occupiers. Based upon the evidence before me, I see no reason to disagree, and I find the development compliant with Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies (2012) and the objectives and advice of the Residential Design Guide Supplementary Planning Document (2017).

Conditions

15. As well as the standard condition for the commencement of the development, a condition requiring the development is carried out in accordance with the approved plans is necessary, to ensure certainty. To ensure a satisfactory appearance, a condition requiring the use of external materials in accordance with the planning application form is also necessary.

Conclusion

16. The development is compliant with the development plan and the Framework taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan and Framework. Therefore, for the reasons given above, the appeal is allowed.

Dan Szymanski

INSPECTOR