



Appeal Decision

Site visit made on 6 June 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/L3625/W/21/3279861

Land at 2 Brickfield Cottages, Ironsbottom, Sidlow, Reigate RH2 8PP

- 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 Paul Jarrett against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00872/CU, dated 31 March 2021, was refused by notice dated 18 June 2021.
 - The development proposed is described as a change of use of farmland to residential garden land.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council made its decision in light of amended plans¹ which divided the appeal site into two separate areas. However, the description of the development on the application form, Council's decision notice and the appeal form has not been altered. I have, therefore, made my decision on the basis of this original description.

Main Issues

3. The appeal site is in the Green Belt. Taking account of this, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - the effect of the development on the character and appearance of the Low Weald landscape (LWL); and
 - if it is inappropriate development, would 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

4. The appeal site is located behind Nos 1 and 2 Brickfield Cottages. This semi-detached pair of dwellings and their gardens are surrounded by countryside. The appellant lives at No 2 and wishes to acquire the site to extend his garden

¹ Drawing numbers J003839-DD04 Rev A and J003839-DD05 Rev A

onto it. The amended plans show part of the site as a 'formal' garden next to No 2, separated from the remainder by a hedge. The larger area would be maintained in a less formal manner and here it was suggested that Part 1 permitted development (PD) rights² could be removed by a suitable condition.

Whether inappropriate development

5. The NPPF states that 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy NHE5 of the Reigate & Banstead Local Plan Development Management Plan 2019 (DMP) sets out the Council's approach to development within the Green Belt. However, it does not specifically address material changes in the use of land. I have taken this into account in my decision.
7. Paragraph 150 of the NPPF sets out that certain forms of development are not inappropriate development in the Green Belt. The only one relevant to this case is e) 'material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)'. By virtue of the words 'such as' this is not a closed list. However, for the proposed change of use to comply with paragraph 150 e) it is also necessary to consider its effect on openness and the purposes of including land within the Green Belt. The effect on openness has spatial and visual aspects and is not confined to permanent physical works — it also relates to the purpose or use of land.
8. The appeal site is part of a large, undeveloped field. The rear boundary fences of Nos 1 and 2 run at an angle past the backs of both cottages in a broadly straight line, unobtrusively cutting across the corner of the field to contain the extent of both rear gardens. Apart from a hedgerow on one side the site flows seamlessly into the rest of the field. This parcel of farmland is innately 'open'.
9. The proposal would substantially enlarge the garden area of No 2 by extending it significantly in length and width beyond the rear boundary of No 2 to create an L-shaped plot. While the extended garden would be small in relation to the size of the rest of the field, it would not be a 'minimal' increase in the size of the garden of No 2 and the 'low level' boundaries would nonetheless have appreciable height year round above ground level.
10. The formal garden would be a lawn, likely cultivated and regularly used in association with residential use and occupation of No 2, such as for play, relaxation or entertaining with associated domestic paraphernalia. Moreover, Part 1 PD rights would allow for appreciable built form, such as ancillary outbuildings and hard surfaces. The area beyond is intended to include a 'grassland meadow' and this planting may have the appearance of countryside. However, given the use applied for, it would be unreasonable and unenforceable to restrict use of this part of the site for domestic activities, even if Part 1 PD rights were removed.
11. Consequently, the appeal site would not be 'unchanged'. It would take on a distinctly different domestic appearance, even though only the smaller, formal garden part would be most intensively used in this regard. Notwithstanding this

² Town and Country Planning (General Permitted Development)(England) Order 2015 – Schedule 2, Part 1

variation in use, there would be a loss of openness and a spread of residential use and activity into the countryside.

12. I have been referred to an appeal decision for the change of use of a field in a Green Belt elsewhere to residential curtilage³. The site in question had a strong sense of containment, a tenuous connection to farmland beyond, was small in relation to a nearby large group of former farm buildings converted to residential use and was contained within clear natural boundaries with only one short edge contiguous with other agricultural land. This decision is not, therefore, comparable to the circumstances of the current appeal which I have considered on its individual planning merits.
13. Taking all of the above into account, the proposed change of use would not preserve openness and would not safeguard the countryside from encroachment, which is a purpose of the Green Belt set out in NPPF paragraph 138 c). It would fail to meet the requirements of paragraph 150 e) and would be inappropriate development in the Green Belt.

Character and appearance

14. In the vicinity of the site the LWL is distinguished by a scattered, isolated pattern of individual or small clusters or rows of mainly residential buildings along roadsides. Farmland is mostly large fields separated by hedgerows or belts of trees. It is an expansive, mainly flat, remote rural landscape with extensive panoramic views across this countryside. The cottages at Nos 1 and 2, and the site, are locally distinctive for these reasons as part of the LWL.
15. The site covers a large, square edged notch of land and the extended garden would jut out markedly into the field. This would be at odds with the broadly rectilinear arrangement of the field and be out of keeping with the prevailing layout of fields either side and to the south. The resulting size and shape of the plot at No 2 would be very different to No 1 and there is no evidence that it would be comparable in these respects to other nearby dwellings.
16. The formal garden would mirror the shape of part of the rear garden at No 1 and the new boundary hedgerow could include native plant species. However, its angular, irregular shape would appear contrived and it would not screen residential use and activity or potential future built form. As activity on the remainder of the site could not be controlled by condition, it would likely take on a more domestic appearance over the long term, eroding its agricultural character. While a grassland meadow might not be incompatible in a rural area, it would not have the same appearance as farmland in active use. Moreover, to secure this particular use in perpetuity would require a management plan secured by a planning obligation.
17. The proposal would, therefore, unduly erode the visual integrity and undeveloped nature of this part of the countryside and have a significant negative impact on land within the LWL. While intervening hedgerow and trees would give only glimpsed public views from the pavement along Ironsbottom, the resulting protuberance of residential garden land would be observed more clearly across the vehicular entrance at No 2. It would also be conspicuous in uninterrupted short and longer views from a public footpath on gently rising land alongside one edge of the appeal site which then turns to run parallel to it.

³ APP/H1840/W/19/3235302

18. Considering all of the above, I find that the proposal would cause harm to the character and appearance of the LWL. Consequently, it would not comply with DMP Policy DES1. This policy includes that development should make a positive contribution to the character and appearance of its surroundings. It should also promote and reinforce local distinctiveness, having regard to layout and important views.
19. It would also conflict with objectives of the NPPF to ensure that development is sympathetic to local character and respects the intrinsic character and beauty of the countryside.

Other considerations

20. Annual surface water flooding within the site affects its use as farmland and is also said to threaten residential use and occupation of No 2 and its existing garden. It is suggested that part of the site would be used to improve drainage so as to facilitate the proposed residential garden land use and achieve net gains in biodiversity. However, there is no objective evidence of this flood risk and no details of any remedial works. In any event, such works would not justify a change of use to residential garden land even if they required planning permission. Accordingly, I give limited weight to these considerations.
21. I acknowledge that increasing the size of the rear garden at No 2, which is appreciably smaller than at No 1, would be advantageous to the occupants of No 2. However, that would be a private benefit and does not justify the scale of the proposal. It is not a factor in the scheme's favour.
22. It is common ground that the site is not subject to any other local or national designations. This is a neutral factor in my decision.

Green Belt Balance

23. I have found that the proposal would be inappropriate development in the Green Belt contrary to national policy to protect the Green Belt. These are matters which the NPPF requires me to give substantial weight.
24. The proposal would also cause significant harm to the character and appearance of the LWL. I give this matter appreciable weight.
25. Accordingly, the other considerations outlined above in support of the proposal would not individually or collectively clearly outweigh the harm to the Green Belt that I have identified due to inappropriateness, and to the character and appearance of the LWL. Consequently, the very special circumstances to justify the proposal do not exist.

Planning Balance and Conclusion

26. The proposed development would not accord with the development plan overall. There are no other material considerations, including the provisions of the NPPF, which outweigh this finding.
27. For the reasons given above, I therefore conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR