



# Appeal Decision

Site visit made on 30 May 2022 by M Long

**Decision by K Taylor BSc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 July 2022**

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**Appeal Ref: APP/C3620/D/22/3290607**

**Runfold, 37 Woodlands Road, Bookham KT23 4HG**

- 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 Mrs Suzy Francis against the decision of Mole Valley District Council.
  - The application Ref MO/2021/1192/PLAH, dated 27 June 2021, was refused by notice dated 28 June 2021.
  - The development proposed is a detached annex in the rear garden of the property.
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## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Main Issues

3. The appeal site is within the Green Belt and therefore the main issues are:
  - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - the effect of the proposal on the openness of the Green Belt;
  - whether the proposal is readily capable of subsequent conversion to residential accommodation; and,
  - 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 for the Recommendation

4. The appeal site is a detached dwelling with a long rear garden, bounded by tall mature vegetation, on the eastern side of Woodlands Road. The proposal is for a single-storey detached outbuilding that would provide an annexe to the main dwelling. It would be located approximately 37 metres from the dwelling. The submitted plans indicate that the proposal would provide a bedroom, bathroom and kitchen. There would be limited views of the annexe from the neighbouring properties due to the mature vegetation.
5. The village boundary includes the main dwelling and part of the rear garden and excludes the bottom of the garden and area where the annexe would be located. The submitted documents indicate that the entire plot is within the Green Belt.

*Whether there would be inappropriate development in the Green Belt*

6. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 directs that the construction of new buildings should be regarded as inappropriate, save for a number of exceptions. The annexe would be constructed a significant distance from the dwelling and would not be viewed as a normal domestic adjunct, it therefore cannot be considered as an extension or alteration to the host dwelling.
7. As such, the proposal would not meet the criteria of any of the exceptions and so would be inappropriate development in the Green Belt. It would therefore conflict with Policy CS1 of The Mole Valley Local Development Framework: Core Strategy, adopted October 2009, which, within Green Belts, seeks to apply principles within national planning policy. For the above reasons, there would also be conflict with the Framework.

*Openness*

8. Paragraph 137 of the Framework sets out 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.
9. The annexe would not have a close visual or spatial relationship with the main dwelling. While it would cover a small proportion of the large rear garden, the building itself would have a considerable size that would detract from the openness of the site to an extent. As visibility of the annexe from neighbouring sites would be limited by its low overall height and the site's existing mature vegetation, the effect on openness would be modest.

*Whether the proposal is capable of subsequent conversion to residential accommodation*

10. While not the initial intention, the annexe would contain all the facilities needed to be capable of independent occupation. It has been suggested that a Section 106 agreement could be used to ensure that the structure would be ancillary to the main dwelling. However, there is no such agreement before me, nor is it clear this would definitively prevent subsequent conversion to residential accommodation.
11. As such, the proposal would conflict with Policy RUD9 of the Mole Valley Local Plan, adopted October 2000, which seeks to ensure that ancillary domestic buildings outside of village settlement areas are not readily capable of subsequent conversion to residential accommodation.

*Other Considerations*

12. The annexe would provide a form of accommodation that would be well-suited to a family member, as well as the circumstances of the wider family. It is understood that the proposal would provide an opportunity to incorporate design features that could cater to specific health needs as well as allow enjoyment of the rear garden. While very special circumstances do not need to be rare or unusual, in this case, there is not sufficient evidence to suggest that suitable alternative accommodation could not be provided in a manner that does not conflict with the Framework or development plan policies. I therefore give this matter moderate weight.

13. My attention has been directed to a number of developments in the surrounding area, including planning permissions for new dwellings at Nos 25, 92 and 104 Woodlands Road. While the full details of these schemes are not before me, the planning considerations pertaining to a new dwelling differ significantly from those relating to an ancillary building, such as the appeal scheme. There are a number of outbuildings in the locality, some with a comparable size to the appeal scheme, however I cannot be certain of the circumstances in which they were erected or their planning status. As such, I give this matter modest weight.
14. The appellant has indicated that revisions to the Bookham village boundary, which would include the entirety of the rear garden, are currently being pursued in the new local plan. Nevertheless, I do not have any clear evidence as to the current status of these revisions. Therefore, I give this matter limited weight and have considered the appeal under current adopted policies. Even if the village settlement boundary changed, there is no indication that the extent of the Green Belt would be amended and so matters relating to the first main issue would remain unaltered.
15. While the appeal scheme may not directly offend the purposes of the Green Belt, as outlined in the Framework, it would result in some encroachment of the countryside. Moreover, the impact upon the purposes of the Green Belt is not determinative as to whether the development is considered inappropriate in the Green Belt. I therefore must give this matter limited weight.
16. While no harm was found to local character and appearance, highway safety or the amenity of neighbouring properties, these are neutral factors and do not carry positive weight.

### **Conclusion and Recommendation**

17. The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The limited harm to openness is also added to this harm, as is the additional conflict with Policy RUD9. Paragraph 148 of the Framework specifies that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. The other considerations, when considered collectively, do not carry significant positive weight and so do not clearly outweigh the harm identified. As such, the very special circumstances that would be needed to justify the proposal do not exist.
18. The proposed development would not accord with the development plan when considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

*M Long*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*K Taylor*

INSPECTOR