



Appeal Decision

Site visit made on 17 May 2022 by Thomas Courtney BA(Hons) MA

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2022

Appeal Ref: APP/C3620/D/21/3284518

The Lodge, Tilley Lane, Headley, KT18 6EN

- 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 Lade against the decision of Mole Valley District Council.
 - The application Ref MO/2021/1069/PLAH, dated 7 June 2021, was refused by notice dated 26 July 2021.
 - The development proposed is a replacement detached two-bay garage with home office above.
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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 main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF);
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Preliminary Matter

4. Whilst the Council has referred to Policy CS1 of the Mole Valley Core Strategy (2009) (CS) in the first reason for refusal relating to the Green Belt, that policy was not referred to in the officer report and nor have I been supplied with a copy. I have therefore determined the appeal in accordance with national policy relating to the Green Belt as set out in the NPPF.
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Reasons for the Recommendation

Whether the development would be inappropriate development

5. The appeal site comprises an existing detached property and an associated double garage with a hipped roof located within the Green Belt. Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Exception (d) addresses the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. The proposed replacement building would have a footprint of 60 square metres (sqm) compared with 50 sqm for the existing garage, according to the Council. This would represent a 20% increase in the footprint of the existing garage. The appellant does not dispute these figures and highlights the fact that an existing shed to the rear of the existing garage would also be removed as part of the proposed development.
7. The proposed replacement building would have a ridge height of 5.9 metres compared with 4 metres for the existing building. The proposal would also have a gable ended roof and a front dormer window. Whilst there would be a moderate increase in the building's footprint, due to its ridge height and length, the bulk and mass of the proposed building would be materially larger than the existing garage.
8. The proposal would thus not fall within the exception allowed for in paragraph 149(d) of the NPPF. However, paragraph 149(g) allows for the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
9. I acknowledge that the site constitutes previously developed land. However, due to its additional bulk and mass compared with the existing garage, the proposed building would result in a material reduction in the openness of the Green Belt in spatial terms. Furthermore, due to the increase in the height and volume of the proposed building it would also have a greater visual impact on the openness of the Green Belt. I note that the appellant contends that the development would not be visually prominent, however I find that it would be readily visible when approaching along Tilley Lane from the north, especially during the winter months. There are large gaps in-between the vegetation and the trees along the road that would allow views of the proposed building. Since the proposed development would have a greater impact on the openness of the Green Belt compared with the existing garage, it would not fall within the exception allowed for in paragraph 149(g) of the NPPF. Based on the above, I consider that there would be moderate harm to the spatial and visual openness of the Green Belt.
10. For the reasons outlined above, I find the proposal would not fall within the exceptions listed in paragraph 149(d) and 149(g) of the NPPF and would therefore be inappropriate development in the Green Belt.

Character and appearance

11. The existing garage has a discreet profile and an agricultural character given it is windowless and features black timber boarding and a hipped barn-like roof. Whilst the proposed building would feature sympathetic materials which would

harmonise well with the surrounding rural context, it would have the form and appearance of a separate dwelling due to the combination of its scale and features including a gable window, balcony and exterior staircase. Because of this, it would appear as an incongruous and dominant structure that would not be subordinate in scale or character to the main dwelling. Whilst the dormer window would create more usable internal space, that would not outweigh the harm to the character and appearance of the host dwelling.

12. Furthermore, due to its position in the north-eastern corner of the plot and the intermittent screening along this boundary, the proposed building would appear prominently, as mentioned above. It would be seen as an unduly large structure when viewed in conjunction with the main house.
13. The appellant also states that the surrounding area is dominated by the Adam West training complex to the north-east and my attention has been drawn to a property approved as part of application ref. MO/2018/1557 which lies just beyond the training complex. Whilst I appreciate that the training complex includes a significant amount of built development and that the dwelling referred to has a contemporary design, the area is nonetheless still rural in character with the appeal site bounded by open fields and paddocks. The Adam West complex is quite well-screened by evergreen vegetation such that it is not entirely visible from the appeal site. Similarly, the replacement dwelling referred to lies approximately 210 metres away from the appeal site and its contemporary design has not altered the prevailing rural character directly surrounding the appeal site.
14. I have also had regard to a detached replacement garage (ref. MO/2018/0304/PLAH) referred to by the appellant at No. 1 Woodside Cottages, Norwood Hill. Due to the significant distance between the two, I cannot be certain that the context of that site is similar to the case before me and nor do I have any further information about the balance of considerations in that case. I therefore find it is not comparable and does not lend any weight in favour of the scheme before me.
15. Given the above, the proposal would have an adverse impact on the character and appearance of the host dwelling and the surrounding area. It would therefore conflict with CS Policy CS13, Policy RUD9 of the Mole Valley Local Plan (LP) and the NPPF which together seek to ensure that proposals tie in with their surrounding contexts and that new garages and ancillary domestic buildings are not excessively sized and do not constitute dominant features.

Other considerations

16. The NPPF highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. 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.
17. In this regard, the appellant states that the replacement building approved on the appeal site as part of application ref. MO/2021/1579/PLA should be afforded significant weight as a fallback scheme. However, the appeal building's roof profile would be materially different due to the use of a gabled roof instead of hips and the addition of a dormer window which would increase

the profile of the east and west elevations. Overall, due to its height and bulk and the addition of a dormer window, the appeal proposal would create a much more imposing building which would reduce the openness of the Green Belt to a greater extent. For this reason, the approved scheme is materially different from the appeal scheme and it carries no weight as a fallback position in my consideration of the appeal.

18. The appellant also opines that a larger outbuilding could be erected under Permitted Development Rights, however, in the absence of a Certificate of Proposed Lawful Development indicating a likeliness to erect such a structure, I can only attach very limited weight to this consideration.
19. Furthermore, the appellant also states that the proposal would allow the creation an essential home office. I have attached only limited weight to this consideration as it is possible that this could be achieved without the extent and scale of development as proposed.

Planning Balance and Overall Conclusion

20. The proposal would amount to inappropriate development in the Green Belt and in addition, there would be moderate harm to openness. The proposal would also have an adverse impact on the character and appearance of the host dwelling and surrounding area. For the reasons outlined above, I find that the other considerations in this case taken together do not clearly outweigh the substantial harm arising from inappropriateness, the harm to openness and the harm to character and appearance. The very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal would be contrary to the NPPF and to CS Policy CS13 and LP Policy RUD9.

Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Sarah Housden

INSPECTOR