



Appeal Decision

Site visit made on 11 July 2022 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/M3645/D/21/3285485

Little Heath Cottage, Kent Hatch Road, Limsfield RH8 0SZ

- 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 Gibbs against the decision of Tandridge District Council.
 - The application Ref TA/2021/1086, dated 7 June 2021, was refused by notice dated 2 August 2021.
 - The development proposed is erection of detached car port.
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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.

Preliminary Matter

3. During the planning application process, the description of the development was revised slightly from that stated on the application form. The revised description is agreed by both parties and therefore I have used that description in the header above.

Main Issues

4. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and the development plan;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the appeal site, surrounding area and Area of Great Landscape Value; 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.

Reasons for the Recommendation

Whether it would be inappropriate development

5. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. The proposed development is for a new detached car port and does not fall within any of the exceptions listed in the Framework.
6. Policy DP10 of the adopted Tandridge Local Plan Part 2: Detailed Policies 2014-2029 Adopted Version (July 2014) (the 'Local Plan') sets out that within the Green Belt, planning permission for inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused. It goes on to advise that proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm. This approach accords with the approach of the Framework. It is noted that the appellant and the Council do not dispute that the proposal constitutes inappropriate development.
7. I conclude, therefore, that the proposal is inappropriate development and would be contrary to Local Plan Policy DP10 and the Framework. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

8. The Framework 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". Openness can be determined by reference to visual and spatial aspects.
9. The appeal property is a two storey detached dwelling. The properties along Kent Hatch Road are all large detached dwellings, set back from the road with driveways giving the residential road a spacious character and appearance. The front boundary of the appeal property features mature hedging, meaning only glimpsed views of the proposed car port would be available from the road. There would therefore be a visual impact, albeit to a limited degree, on openness.
10. In terms of spatial aspects, the proposal would introduce built form into a part of the site which is currently undeveloped and as such would inevitably reduce the spatial openness of the site.
11. Overall, therefore, the proposal would have a harmful effect on the visual and spatial openness of the Green Belt. This harmful impact on openness, and the inappropriateness of the proposal in principle, both carry substantial weight.

Character and Appearance

12. The front elevation of the dwelling faces south. The proposed car port would be located on an area of existing driveway at the side of the appeal property and not in front of its principal elevation. Whilst the car port would be fairly substantial, with a ridge height of 5 metres, the open design and pitched roof would be attractive and would reflect the style of the host property and would be largely screened in views from Kent Hatch Road by substantial vegetation.

13. I saw on my site visit, that a building line is not readily perceived due to the vegetation and spaces between the dwellings on Kent Hatch Road. I acknowledge that the dwellings are generally well set back from the road, but the distance is not uniform. Whilst these spacious areas to the front of the properties are clearly an important feature of the area, a sufficient set back from the road would be maintained that would not appear out of keeping with other properties on the road. Furthermore, the area to the side of the appeal property is large enough to accommodate the proposal without resulting in a cluttered appearance.
14. On this basis, I do not consider that the proposal would unacceptably harm the character and appearance of the appeal property or the surrounding area and the effect on the Area of Great Landscape Value would be neutral.
15. On the basis of the above, the proposal would comply with Policy DP7 of the Local Plan and Policy CSP18 and Policy CSP21 of the Tandridge District Core Strategy (Adopted 15 October 2008). These policies seek, amongst other things, to ensure that new development reflects local character.

Other Considerations

16. Policy DP14 in the Local Plan specifically relates to new garages and other ancillary domestic buildings in the Green Belt, outside the defined villages. The supporting text states that where development proposals comply with all four criteria in the policy, this will in effect constitute the 'very special circumstances' to justify the development in the Green Belt. For the reasons outlined above, I consider that criteria 1 and 2 of the policy relating to the scale of the building and the impact on character and appearance would be met. Since the proposed use would be incidental to the enjoyment of the dwelling house, criterion 4 would also be met. However, criterion 3 requires that proposals for new outbuildings "are not to replace any existing garage that has been converted to residential use".
17. With regard to criterion 3, the Council refers to a number of historic planning permissions at the property: 1) GOR/253/68 Extension to provide sitting room and erection of garage. Approved 02/07/1968 2) 99/251 Demolition of existing garage, erection of 2 storey side extension to provide garage with bedroom and en-suite bathroom over. Erection of entrance gates. Approved 24/05/1999 and 3) 99/842 Erection of 2 storey side extension to provide playroom, utility room and store with bedroom and en-suite bathroom over. Erection of rear conservatory. Approved 17/09/1999.
18. In their evidence, the Council states that the proposed car port would replace the existing garage that was granted permission under application 99/251. The appellant disputes this, stating that planning permission 99/251 was never implemented and instead the proposal under application reference 99/842 which did not include a garage, was implemented. Whilst I have no reason to doubt the appellant on this matter, the description of planning permission GOR/253/68 refers to the erection of a garage and reference to demolition of a garage is made in application 99/251.
19. Whilst the appellant has provided a copy of the approved plan from application 99/842 and estimated measurements, which I agree appear to be too small for a typical garage, no plans have been provided relating to the original house or planning permission GOR/253/68. I therefore do not

have conclusive evidence before me to demonstrate that the property has not previously had garaging space that has since been converted to living accommodation, nor that the alterations that were undertaken in 1999 did not result in the loss of a garage space. Therefore, the proposal would not comply with criterion 3 of Local Plan Policy DP14 and would conflict with the policy and the development plan, read as a whole.

Planning Balance and Conclusion

20. The Framework advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. The proposal would amount to inappropriate development in the Green Belt and further harm would be caused by the reduction in Green Belt openness. The lack of harm to the character and appearance of the appeal property, the surrounding area and the Area of Great Landscape Value carry neutral weight. In addition, the proposal would fail to comply with the circumstances set out in Local Plan Policy DP14 where new garages and other ancillary buildings may be permitted in the Green Belt, outside the Defined Villages. In short, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
21. Therefore, the proposed development would be contrary to the Framework, and Local Plan Policies DP10 and DP14 which seek to prevent inappropriate development in the Green Belt unless very special circumstances have been demonstrated.
22. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

23. 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