



Appeal Decision

Site visit made on 7 September 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/M3645/W/21/3282281

Greencroft Stables, Birchwood Lane, Chaldon CR3 5DQ

- 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 Charlotte Winnister of Sean Moses Housing Association against the decision of Tandridge District Council.
 - The application Ref TA/2021/32, dated 6 January 2021, was refused by notice dated 4 March 2021.
 - The development proposed is described on the application form as the 'erection of ancillary building for care of vulnerable adults'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been implemented. I am therefore considering the appeal retrospectively.

Main Issues

3. The main issues are:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstance required to justify the development.

Reasons

Whether Inappropriate Development and openness

4. The appeal site comprises an L-shaped single-storey building finished with a tiled hipped roof together and timber cladding. An area of hardstanding also exists, adjacent to the property. The building is laid out to provide bedroom facilities and living accommodation. Although not included within the site location plan's red line, the site is associated with nearby Ashton, a care facility for six adults. The site is within the Green Belt.
5. National Green Belt policy in the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are, however, certain exceptions. One of those, at

paragraph 149, is the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (LP) broadly conform to the general thrust of national Green Belt policy, setting out that inappropriate development in the Green Belt will normally be refused whilst supporting the limited infilling or partial or complete redevelopment of previously developed sites where the proposal would not have a greater impact on the openness of the Green Belt. I note that there is no dispute between the main parties in respect of the site forming previously developed land, in line with the definition in the Framework.

6. I saw during my site visit how intervening features in the landscape, the topography and paucity of nearby vantage points mean there is fairly limited visibility of the site from the surrounding area. Despite this, the openness of the Green Belt is readily apparent within the immediate area through the existence of mature trees and surrounding open fields. Nevertheless, the Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
7. Notwithstanding the existence of other buildings within the wider vicinity, and that the development has been designed with sensitivity to prevailing built forms, materials and detailing, it nonetheless introduces additional built development to the site. My attention is drawn to detail, albeit limited, of a stable building that existed on the site previously. This is understood to have been positioned towards the edge of the appeal site and to have measured approximately 52 square metres in floorspace. The development before me is positioned relatively centrally within the site and has a floorspace of approximately 72.2 square metres. Irrespective of the precise location of the previous building relative to that now in situ, a 20 square metre increase in floorspace indicates that the replacement building, as a matter of fact and degree, is larger than the original and thus has a greater impact on the openness of the Green Belt.
8. I have also had regard to paragraph 149 (d) of the Framework. I do not have substantive evidence before me that clearly indicates that the former stable building was, as contended, associated with the main property, or that it was in use for domestic ancillary purposes. Therefore, the new use would not be the same as the former use, which is described as a stable building. I note that site plan submitted in support of the appeal shows the appeal site as separate from the main Ashton site, whether or not this was intended. However, given that the building, as a matter of fact and degree, is materially larger than that it replaced, it would fail to meet this exception.
9. I acknowledge the appellant's comments in respect of LP Policy DP14, noting that the Council did not make reference to the policy in its decision. This policy provides specific guidance for ancillary domestic outbuildings and garages and seeks to avoid dominant features and any impact on the openness of the Green Belt. I note the Council's position that the policy does not apply in this case. However, even were I to find the policy relevant, the new building occupies a more prominent central position in the site that, in my view, detracts from the

appearance of the locality. It is also clear that the purpose of the policy seeks to preserve the openness of the Green Belt which, for the reasons already given, would not be the case here. Consequently, the scheme conflicts with Policy DP14. In any event, compliance with Policy DP14 would still mean that the development would not accord with the Development Plan taken as a whole and it would not be in line with the Green Belt protection aims of the Framework.

10. For the foregoing reasons, as the development would fail to preserve openness, it would be inappropriate development in the Green Belt, rather than an exception permissible under Framework paragraph 149. The proposed development would be contrary to the relevant provisions of LP Policies DP10 and DP13, which in summary seek to support the limited infilling or redevelopment of previously development sites where the proposal would not have a greater impact on the openness of the Green Belt.

Other considerations

11. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Wider planning considerations are paramount but nevertheless the particular effects of the proposed development in this location are a matter to which I give significant weight in assessing the proposal.
12. The building was constructed as accommodation required for the occupiers of the care facility on the wider site to isolate and shield during the current pandemic. However, it would remain a facility for those residents who require isolation space for temporary periods linked with psychological and behavioural requirements. The appeal could result in the loss of the development, which would mean that the management and residents of the site would be unable to derive the benefits of the accommodation as it exists. This has the potential to disproportionately effect the existing residents and these equality implications add significant weight in favour of allowing the appeal.
13. However, I have no evidence before me to indicate that the purpose of the building could not be accommodated either within the main house or in a smaller building nearer to it. Moreover, I have no substantive evidence before me that indicates that the building must be of the size that it is. Whilst I accept that the needs of the occupants of the facility are consistent with the findings of the previous Inspector in APP/M3645/C/17/3171241 and APP/M3645/W/17/3166644, that appeal related to a single storey rear extension and porch, required for accessibility reasons.
14. My attention is drawn to planning applications at nearby The Homestead and Heathwood, as well as at Orchard House. Whilst I have had regard to these cases, and there are some similarities in terms of strategic location within the Green Belt, I have limited information before me in terms of their specific context and planning history. However, I note that the permission at Heathwood relates to a Certificate of Lawful Development in 2011, prior to the publication of the Framework, whilst that at The Homestead and Heathwood relate to garage and home extensions. This is compared with an outbuilding at the appeal site, positioned some distance away from the main dwelling and for

residential use. From that perspective, I do not consider the sites or cases to be directly comparable. I have considered the proposed development based on the evidence before me and my observations on site. The existence of those nearby sites does not alter my consideration of the appeal or the conclusions which I have made. I afford this consideration limited weight.

Green Belt Balance

15. The development would constitute inappropriate development which, by definition, causes harm to the Green Belt. Substantial weight must be given to inappropriate development.
16. The development would provide accommodation which is contended to be required for the current occupiers who need the isolation space for temporary periods. This is linked to both to the COVID-19 pandemic and in relation to psychological and behavioural issues. Nevertheless, personal circumstances seldom provide the sole basis for finding of very special circumstances. Although I find in this case that the combination of other considerations should be given significant weight, this does not clearly and demonstrably outweigh the substantial weight that must be attached to the harm to the Green Belt. Looking at the case as a whole, very special circumstances do not exist.

Conclusion

17. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR