



Appeal Decision

Site visit made on 19 October 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/D3640/D/22/3294548

Tresco House, Clappers Lane, Chobham, Woking GU24 8DD

- 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 Anderson against the decision of Surrey Heath Borough Council.
 - The application Ref 21/1367/FFU, dated 21 December 2021, was refused by notice dated 15 February 2022.
 - The development proposed is erection of detached open sided garden dining shelter.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached open sided garden dining shelter at Tresco House, Clappers Lane, Chobham, Woking GU24 8DD in accordance with the terms of the application, Ref 21/1367/FFU, dated 21 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DLM Sheet 1 of 3 Issue 1, DLM123 Sheet 2 of 3 Issue 1 and DLM123 Sheet 3 of 3 Issue 1, Block Plan, Location Plan
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the materials shown on approved plans DLM123 Sheet 2 of 3 Issue 1 and DLM123 Sheet 3 of 3 Issue 1

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

3. The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances

- exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.
4. Of relevance to this appeal is that 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building' is listed as an exception in paragraph 149c.
 5. *Sevenoaks District Council v SSE and Dawes* [1997] establishes that in considering whether an outbuilding could be an extension, it is reasonable to take into account whether the proposal is a normal domestic adjunct.
 6. The layout at Tresco House has the house situated roughly centrally within its plot. The busier main road is directly behind the back garden and rear elevation whilst the vehicle access, front door and generous and well screened private front garden space are orientated towards the quieter Clappers Lane. In this situation, the location of the shelter within the domestic garden area, albeit to the front of the host dwelling, would not be anomalous.
 7. The proposed development would be used for a covered seating area for outdoor dining, which is a purpose ancillary to the use of the main dwelling. It would be around 15m from the main property across an open lawn, and would be set back from the boundaries. It would have a direct connection into the house via the front door. In these circumstances, although the structure would be physically detached from the building, this separation is sufficiently close and direct that there would be a clear visual and practical relationship.
 8. Taking all the above into account I find that the proposed outbuilding would be a normal domestic adjunct and, for the purposes of paragraph 149 of the Framework, it would be an extension to the building.
 9. My attention has been drawn to appeal decisions which variously conclude that outbuildings do, or do not, constitute an extension for the purposes of paragraph 149 of the Framework¹. These decisions generally relate to sites which are somewhat distant from the appeal scheme and therefore do not directly relate to the case before me now. Nevertheless, I agree with the main parties that this judgement is a matter of fact and degree and therefore, in common with these Inspectors, I have come to a conclusion on this matter on the site specific circumstances of the case before me now.
 10. Paragraph 149c also requires that such development should not result in a disproportionate addition. Tresco House is a two storey property across a substantial footprint. The single storey dining shelter would be a modest scale in comparison. As such it would not be a disproportionate addition.
 11. The impact on openness is implicitly taken into account in the exceptions at paragraph 149 of the Framework. Therefore, given these findings, there is no requirement to assess the impact of the development on the openness of the Green Belt.
 12. Consequently, the appeal scheme would not be inappropriate development in the Green Belt. As such it would be in accordance with section 13 of the Framework.

¹ APP/A1910/W/19/3242740, APP/D3640/D/20/3262305, APP/N0410/D/17/318347

Conditions

13. I have considered the Council's suggested conditions. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. A condition requiring the scheme to be built in accordance with the specified materials would be necessary to preserve the character and appearance of the area.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR