



Appeal Decision

Site visit made on 6 December 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/M3645/D/22/3299813

63 Dome Hill, Caterham CR3 6EF

- 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 Max Zanni against the decision of Tandridge District Council.
 - The application Ref TA/2022/54, dated 13 January 2022, was refused by notice dated 11 May 2022.
 - The development is for the proposed brick piers and entrance gates.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2021 (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effects of the development on the character and appearance of the area; 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 circumstances required to justify the proposal.

Reasons

Whether or not the development would be inappropriate

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029, adopted 2014 (TLP) is broadly consistent with the approach of the Framework, and also states that inappropriate development within the Green Belt will only be permitted where very special circumstances exist.
4. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in Paragraph 149. Criteria c) and g) of paragraph 149 have been cited by the appellant as applicable to the appeal.

5. Criterion c) of paragraph 149 states that one such exception is 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. The term building¹ *includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.* In applying this definition walls, fences and gates could be regarded as 'buildings' for the purposes of the Framework. However, the appeal site is a large detached residential property, and the proposal seeks the introduction of new development on the boundary, some distance from the host property. As such, this cannot be considered an extension or alteration to that building and this exception would not apply.
6. Paragraph 149 g) states that the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development can also be an exception. The Framework defines PDL² as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. Notwithstanding the appellants view that the development involves the redevelopment of PDL, because of my finding below in relation to openness, this exception would also not apply.

Effect on openness in the Green Belt

7. There are spatial and visual aspects to the assessment of the openness of the Green Belt. In spatial terms, the scheme would provide a taller quantum of built development than the piers and gate that currently exist on site, and whilst the additional height of the piers and the gate would be modest, these would have limited adverse impact on the openness of the Green Belt in spatial terms.
8. With regard to the visual aspect, the property is visible from public views along Dome Hill, albeit that this part of the road is private. The site itself occupies a residential area, which contrast with the much less developed open spaces that surround the area. As such, given the limited size of the proposal, in visual terms I conclude that the scheme would have a modest, but nonetheless clearly discernible effect on the openness of the Green Belt.

Character and appearance

9. The appeal site is located in an existing residential environment with a semi-rural feel. The area is characterised by low boundary treatments and open forecourt areas to the front of properties. While it is acknowledged that there are limited examples of gated properties, these are generally timber gates adjoining green screened boundaries with a less imposing and rural feel. However, these are limited examples and do not provide an overriding influence over the character of the area or street scene. Conversely, the proposal would include piers and a large metal railed gate at approximately 1.8m in height, which have a significantly more imposing and urbanised feel, which would appear out of keeping in the surrounding character.
10. Consequently, the proposed development would, for the reasons above, be out of keeping in the character and appearance of the area and would not integrate effectively with its surrounding or respect local distinctiveness in terms of scale

¹ Section 336 of the Town and Country Planning Act 1990

² Annex 2 Glossary of the Framework

and materials. Accordingly, it would be contrary to TLP Policies DP7 and DP9 and Policy CSP18 of the Tandridge District Core Strategy, adopted October 2008 (TCS) which among other things require development to be of a high quality and reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. The proposal would also conflict with the guidance in Paragraph 130 c) of the Framework insofar as it requires development to be sympathetic to local character and the National Design Guide in regard to responding to existing local character and identity.

Other considerations

11. My attention is drawn to a potential fallback position, as piers and gates could be erected at the site up to 1m bounding the highway, or 2m set further into the site, which potentially could be permitted development under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended. I noted on site that a set of brick piers and entrance gates which appear to be under 1m in height have been erected at the site.
12. As stated above, the proposal would have a modest effect on the openness of the Green Belt in terms of the visual and spatial impacts. Nevertheless, from my site observations I note that while the existing gate and piers have some impact on openness and the character of the area, this would not be as extensive as the higher gate and piers of the appeal proposal, and consequently I attribute this fallback position limited weight.
13. My attention is also drawn to the fear of crime and the need to secure the property following a vehicle theft from the premises and the consultation with insurers who suggested that a gate would physically prevent vehicles from leaving the site. This is a material consideration to which I apportion some weight. However, as a gate and piers have already been erected on site, this would not represent very special circumstances that would outweigh the significant weight attached to the development by reason of its inappropriateness.

Green Belt balance

14. The proposal would constitute inappropriate development in the Green Belt and whilst it would have a modest effect on the openness of the area it would, by definition, be harmful to the Green Belt. As such, the Framework and TLP Policy DP10 require that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
15. While I have identified other considerations that provide benefits, the weight I attribute to these would only be limited in support of the proposal and conclude that, these do not outweigh the harm the scheme would cause. As such the very special circumstances necessary to justify the development do not exist.

Conclusion

16. The development conflicts with the development plan taken as a whole, and although I note the proposal has the support of some residents, there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised the appeal is dismissed.

Robert Naylor

INSPECTOR