



Appeal Decision

Site visit made on 20 December 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/M3645/W/21/3289173

New Barn, Old Hall Farm, Tandridge Lane, Tandridge RH8 9NS

- 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 M Swan of Tandridge Barns Ltd against the decision of Tandridge District Council.
 - The application Ref 2021/1739, dated 27 September 2021, was refused by notice dated 1 December 2021.
 - The development proposed is demolition of agricultural building 'New Barn' and erection of a terrace of 4no. 3 bed dwellinghouses (Class C3)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form the description of development has changed, and a different wording has been entered. I have not been provided with written confirmation that the revised description of development has been agreed. Accordingly, I have used the description as contained on the planning application form above.

Main Issues

3. 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 on the openness of the Green Belt and purposes of including land within it;
 - The effect of the proposal 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

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate development and then specifies exceptions. In this case, the relevant exception criterion is 149 g) for the complete redevelopment of previously developed land (PDL) providing it does not have a greater impact on the openness of the Green Belt than the existing development.
5. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029, adopted 2014 (TLP) are broadly consistent with the approach of the Framework, with DP13 also providing a number of exceptions including the complete redevelopment of previously developed (brownfield) sites in the Green Belt. Policy DP13 reiterates that the exception is only applicable where proposals would not have a greater impact on the openness of the Green Belt than the existing development.
6. The Framework defines PDL¹ as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. However, there are exceptions that include amongst others, land that is, or was last occupied by, agricultural or forestry buildings. Both parties agree that the site is occupied by a barn serving an agricultural holding. As such, the land is not considered PDL, and therefore the exception under paragraph 149 g) of the Framework would not apply.
7. Accordingly, the development would be inappropriate development in the Green Belt. Paragraph 148 of the Framework instructs that substantial weight should be given to any harm to the Green Belt, and that '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.

Openness

8. There are spatial and visual aspects to the assessment of the openness of the Green Belt. From the evidence before me, the proposal would provide a reduction of approximately 60m³ in the overall volume of the proposed scheme compared to the existing barn. Furthermore, the scheme would also have a reduced footprint of approximately 155m² from the existing. However, the proposal would be taller in height and wider than the existing barn. As such the proposal would have an adverse impact on the openness of the Green Belt, albeit limited, in spatial terms.
9. With regard to the visual aspect, the property is visible from public vantage points along public footpath 240 and also the accessway leading to the site. Whilst the viewpoints are limited, the increase in height and width at the upper floor level in particular, would be visible from the surrounding area. Although it is acknowledged from my own observations, and the submitted Landscape and

¹ Annex 2 Glossary of the Framework

Visual Impact Assessment² (LVIA), that the site is enclosed by the existing buildings and landscape, which would help screen the proposals from wider long-range views.

10. The LVIA further highlights that the influence of the proposed development on the wider landscape would be somewhat localised and negligible with only limited views experienced from the public footpath. It is acknowledged that the site itself occupies an area amongst other residential properties, which contrast with the much less developed open spaces that surround the area, and as such I would conclude that the scheme would have a limited visual effect on the openness of the Green Belt.
11. Whilst I find there would be limited impact on both the visual and spatial dimensions of the openness of the Green Belt, there would be a harm, nonetheless. Therefore, the proposal fails to preserve the openness of the Green Belt.

Character and appearance

12. The appeal site is located in an existing agricultural setting, albeit that there are several existing residential properties located in the immediate vicinity thus providing a more developed feel. These units are grouped together which contrast strongly with the much less developed open spaces that surround the area. However, while the appeal scheme would be located within this more developed setting, the existing dwellings are set within larger plots in comparison to the more modest plot of the proposed development.
13. Whilst the proposed scheme provides a small terrace, it would have a domestic scale, feel and traditional appearance, albeit with a more modern take, and in this context would not appear as an overdevelopment. Nor would it appear unduly dominant or out of place. The material finishes could be conditioned, for later detailed design consideration. The overall design of the proposal would therefore preserve the character of the area and would have little impact on its rural nature, thus respecting the defining characteristics of the area.
14. The proposal would not therefore harm the character and appearance of the surrounding area. As such, it would accord with the principles of TLP Policy DP7 and Policy CSP18 of the Tandridge District Core Strategy, adopted October 2008 (TCS) which amongst other things, require all new development to be of high-quality design, responding to and respecting the character, setting and local context. The proposals would also comply with guidance in Paragraph 130 c) of the Framework insofar as it requires development to be sympathetic to local character.
15. Given that I have found no harm to the character and appearance of the area, this would be a neutral factor in the planning balance.

Other considerations

16. I am aware that the Council is unable to provide a five-year supply of deliverable housing land. Accordingly, I must have regard to paragraph 11 of the Framework, which indicates that in such circumstances the most important

² Landscape and Visual Impact Assessment prepared by Lizard Landscape Design and Ecology dated October 2020 (ref: LLD2115-LPL-REP-001)

policies for determining the application are out of date and that permission may be granted.

17. However, the balance in favour of granting planning permission at paragraph 11 d), is conditional on satisfying the first limb of whether there are policies in the Framework that protect areas of particular importance which provide a clear reason for refusing the development proposed. Green Belts are one such area. I have found that the application of policies in the Framework relating to the Green Belt provide a clear reason for refusing the development proposed. As a result, the second limb of paragraph 11 d) and the balance in favour of the grant of planning permission would not apply in this instance.
18. The proposal would contribute to the local housing choice with a provision of four x three bedroomed family units assisting Tandridge Borough Councils housing undersupply situation. There would be limited benefits in the provision of these new dwellings in this location, however, I give this limited weight, as it appears to me that it would be likely to be of no greater benefit than if these dwellings were to be constructed elsewhere, outside the Green Belt.
19. My attention is drawn to a potential fallback position, with a Prior Approval³ application and Certificate of Lawfulness⁴ issued at the site, for the conversion of the barn to form four residential units. As such there is a real prospect that this development could take place.
20. Although I have found the proposal would have a limited effect on the openness of the Green Belt in visual and spatial terms, the increase in height and width does provide additional bulk and mass, which would be more prominent in the wider setting. Therefore, I find that while the appeal scheme provides a reduced quantum of development in terms of the volume and footprint, this would not amount to very special circumstances to justify an approval.
21. It is acknowledged that the materials could be altered under the extant schemes, which would provide a less agricultural appearance to the existing barn. However, the existing setting and location of the barn, coupled with the aforementioned reduction in bulk and mass would be less visible from public vantage points than the proposal. In my view, the fallback would have significantly less effect on the Green Belt and surrounding area than the appeal scheme. Whilst this is a realistic fallback position, for the reasons above I apportion this limited weight.

Green Belt balance

22. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires 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.
23. Although there are benefits weighing in favour of the proposal, in this particular case the other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of

³ Tandridge Borough Council Planning Ref: 2021/25

⁴ Tandridge Borough Council Planning Ref: 2021/581

inappropriateness and the harm to openness that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

24. The development conflicts with the development plan taken as a whole and 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 relevant matters raised, the appeal is dismissed.

Robert Naylor

INSPECTOR