



Appeal Decision

Site visit made on 7 November 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/L5810/D/23/3321324

41 Strawberry Vale, Twickenham TW1 4RX

- 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 Anthony Rees against the decision of the Council for the Richmond Upon Thames London Borough Council.
 - The application Ref 22/2760/HOT, dated 10 September 2022, was refused by notice dated 17 February 2023.
 - The development proposed is the erection of a single storey detached outbuilding to the rear of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I could see that the single storey detached outbuilding was already in situ, and the appeal is therefore being considered retrospectively. Nevertheless, for the avoidance of doubt, I have determined the appeal based on the proposed plans before me.
3. Annex 3 of the London Plan (LP) March 2021 defines Metropolitan Open Land (MOL) as *"extensive areas of land bounded by urban development around London that fulfils a similar function to Green Belt and is protected from inappropriate development by land-use planning policies."* As such, it is given protection corresponding to Green Belt policy, thus it is common and accepted practice to consider MOL as equivalent to Green Belt in terms of the application of national policy.

Main Issues

4. The main issues therefore are:
 - whether the proposal would be inappropriate development in the MOL having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - effect of the proposal on the openness of the MOL; and
 - whether any 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 inappropriate development

5. Policy LP13 of the Richmond Local Plan (RLP) adopted July 2018 sets out that MOL will be protected and retained in predominantly open use. Inappropriate development will be refused unless 'very special circumstances' can be demonstrated that clearly outweigh the harm to the MOL. The policy also sets out where exceptions can be made, such as small scale buildings for essential utility structures.
6. LP Policy G3 further highlights that the MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt as set within the Framework. The Framework establishes at paragraph 149 that the construction of new buildings in the Green Belt/MOL should be regarded as inappropriate, subject to a number of exceptions. 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.
7. 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, the single storey detached outbuilding would be regarded as a 'building' 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 some distance from the original property. As such, this cannot reasonably be considered an extension or alteration to the original building and the paragraph 149 c) exception would not apply. Accordingly, the development would be inappropriate development in the MOL.

Effect on openness

8. There are spatial and visual aspects to the assessment of openness. I note that a previous planning permission² was granted by the Council for a similar development, in a similar position. In spatial terms, the appellant highlights that the proposed garden outbuilding is approximately 80cm wider than the previously approved scheme, albeit approximately 30cm shorter and 5cm lower. Nevertheless, whilst relatively moderate the appeal proposal would increase the footprint over that of the previously approved development. As such, the proposal would have an increased adverse impact on the openness of the MOL in spatial terms, through the combination of increased footprint and mass from that approved, albeit limited.
9. With regard to the visual aspect, the proposal would provide a development at the rear of the property thus not prominent within the streetscene due to this location. However, the rear of the property adjoins the banks of the river Thames and thus there would be views from public vantage points of the single storey outbuilding. Notwithstanding this, the positioning of the proposal alongside well-established trees, hedges and shrubs would provide a good screen of the outbuilding, thus reducing the impact of the proposal to glimpse views only. Consequently, it would have limited visual impact on the openness of the MOL.

¹ Section 336 of the Town and Country Planning Act 1990

² London Borough of Richmond Upon Thames Planning Ref: 15/4471/HOT

10. Whilst I find there would be limited impact on both the visual and spatial dimensions of the openness of the MOL, this would result in harm, nonetheless.

Other considerations

11. As set out above, the development would be harmful to the openness of the MOL and constitutes inappropriate development, harm which carries substantial weight. The Framework is clear that very special circumstances will not exist unless the potential harm to the MOL by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. The appellant draws my attention to the previous approval at the site for a similar development and the modest differences between the schemes. However, that permission has now lapsed, and given that the Local Plan context has also changed in the interim, I afford this matter limited weight.
13. Reference has also been made to local examples of outbuildings that have been constructed within the gardens of other properties within the local area. The question of whether a proposal will be acceptable in any given circumstance will relate not only to the scale of the outbuilding itself but on the planning history of the respective dwelling and proposal. Without knowing the full details of the properties in question in those respects it is difficult to draw any direct comparison with the appeal proposal. Therefore, reference to other developments does not add weight in favour of the scheme.
14. I recognise that the outbuilding would be sympathetically designed in terms of its materials and external appearance and that well established landscaping would help to soften and screen its impact. Nonetheless, the absence of harm in these regards does not carry positive weight in favour of the development.

Planning balance

15. The proposal is inappropriate development in the MOL which is, by definition, harmful. Furthermore, the harm to the openness in this case is at odds with local and national policy to protect the MOL. Any harm to the MOL is a matter that carries substantial weight. There are no other considerations which individually or cumulatively would be of sufficient weight therefore to clearly outweigh the harm to the MOL. Consequently, very special circumstances to justify the development do not exist. As such, the proposal conflicts with paragraph 148 of the Framework.

Conclusion

16. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR