



Appeal Decision

Site visit made on 22 November 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/M3645/W/23/3320452

Cricket Ground, The Stables Nursery Pavilion, Felcourt Road, Felcourt, RH19 2LF

- 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 Derek Dawson (Scandia Hus) against the decision of Tandridge District Council.
 - The application Ref TA/2022/807, dated 10 June 2022, was refused by notice dated 11 November 2022.
 - The development proposed is an extension of the current 'Stables Nursery' and construction of a new detached sports pavilion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the refusal of the planning application but prior to the submission of the appeal, the Appellant undertook a Preliminary Ecological Appraisal (PEA) of the site. The PEA recommended some precautionary mitigation and biodiversity enhancement measures but concluded that there would be no harm to any protected species. The Council has reviewed the document and is content that its second reason for refusal has been addressed. I have no reason to conclude otherwise and so have not had further regard to this matter in my decision.
3. The Appellant noted, and the Council subsequently confirmed, that Policy CSP1 of the Tandridge District Core Strategy 2008 (TDCS) is not relevant to this case. I therefore make no further reference to it in my decision.
4. The Appellant considers the first reason for refusal to be ambiguous in its wording as to exactly which elements of the scheme it relates. However, the officer report and the Council's appeal statement make clear that the concerns relate to both the extensions to the existing building and to the proposed new sports pavilion. The Appellant has addressed both elements within their submissions and I am satisfied that they have not been prejudiced.

Main Issues

5. The main issues are:
 - a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) The effect of the proposed development on the character and appearance of the area; and

- c) 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

Existing Building

6. The National Planning Policy Framework (the Framework) advises that in the Green Belt, development should be regarded as inappropriate. However, Paragraph 149(c) of the Framework states that the extension or alteration of a building is not inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building.
7. The Framework explains that the “original building”, insofar as it relates to this appeal, shall mean the building as it existed on 1 July 1948, or if constructed after that date as originally built. However, it does not explain what is meant by ‘disproportionate’, which is therefore a matter of planning judgement.
8. Policies DP10 and DP13 of the 2014 Tandridge Local Plan Part 2 (TLPP2) are broadly consistent with the Framework’s approach to protecting the Green Belt and identifying exemptions. Policy DP13 also contains an additional caveat which, in cases such as the one before me, requires consideration of the building’s planning history. It is a matter I return to below.
9. The proposed extensions comprise four separate elements: a plant room, quiet learning room, sleeping/staff rooms and an extension over a decked area. They would all use materials to match the existing building.
10. The first two elements would be relatively self-contained and small additions which within the context of the overall building would have little overall effect in how it is perceived. The other two elements involve larger areas and more substantial additions which include alterations and extensions to the building’s roof. These would have a more marked effect on the size and scale of the building.
11. The Appellant indicates that the canopy over the deck could have been designed with a flat roof and that the chosen design is more in keeping with the building. It is also said to not be an extension per se because it has no walls. However, it does extend and noticeably increase the bulk of the building and so should be taken into account.
12. When seen in the round, regardless of the actual percentage increase in volume and floorspace, my overall impression is that the sum total of extensions, and the two larger additions in particular, would add visual bulk, extending both the building’s width and length when seen from certain viewpoints. The result would be a particularly large building and one that is clearly larger than currently exists.
13. Even if I were minded to conclude that these extensions were not disproportionate additions to the existing building, I must first consider the additional caveat in Policy DP13. This requires that where the building to be extended is itself a replacement of an earlier building, regard must be had to

the size of that earlier building. There is no dispute between the main parties that the current building was a replacement for an earlier building, which the parties indicate was likely to have been demolished in approximately 2011.

14. Thus, the now demolished building would act as something of a baseline for the exercise in evaluating proportionality. Whilst this goes beyond current Framework policy for establishing whether extensions are disproportionate, the recent decision in *Guildford BC v SSLUHC & Mr C Weeks* [2023] EWHC 575 (Admin) indicates that it is something to which I must have regard.
15. The Council has provided a footprint figure of 130m² for that earlier, pre-2011 building. The current building is said to be 195m². The Appellant has not disputed these figures. The proposed extensions, excluding the new extension over the decked area are some 70m². Thus, the building that would result from the proposed extensions would be over double the footprint of the pre-2011 building.
16. I have also been provided with photographs of the earlier building, which provides me with some indications as to its height, mass and bulk. Based on the information that is before me, it was clearly a smaller building than the one that replaced it and a much smaller building than the one that would now result from the proposed extensions.
17. The 'size' of a building can reasonably be taken to include such factors as volume, height, external dimensions, visual perception etc. and not just footprint or floorspace. When taken in that context, and having regard to the resulting scale, form and bulk, there would be a substantial increase in the building's size when compared to the relatively modest earlier building. Therefore, as a matter of judgement, I conclude that the overall size of the building as now proposed cannot reasonably be considered to result in anything but disproportionate additions over and above the size of the original building.
18. Thus, having regard to the Framework and development plan policy, I am unable to conclude other than the extensions would be inappropriate development in the Green Belt.

Proposed Building

19. The exception at Paragraph 149(b) of the Framework allows for the provision of appropriate facilities for outdoor sports, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy DP13 of the TLPP2 fully accords with the Framework in this respect.
20. There is no dispute between the main parties that the building would represent appropriate facilities for outdoor sports. Having regard to the submitted plans and from the outdoor sport that appears to be established here, I have no reason to disagree. Furthermore, whilst the Council has noted the requirement for development to not conflict with the purposes of including land within the Green Belt, no specific objection in this regard has been identified. Having regard to Paragraph 138 of the Framework, I do not consider the proposal to be in conflict with any of the five purposes it sets out for including land within the Green Belt. Therefore, the key area of dispute is whether or not there would be a loss of openness of the Green Belt.
21. Although there are trees and vegetation around the site as a whole, the planting is less dense along the southern and western boundaries. Views of the

part of the site where the building would be positioned are possible from Felcourt Road, and some more distant views from Blackberry Lane. The building would be positioned adjacent to the existing car park almost directly opposite the site entrance and so would be clearly visible to vehicles turning into the site. The building would also be visible from vehicles passing the site entrance, albeit such views are likely to be more transitory.

22. The building would measure externally 8.8m at its widest and 14.3m in length. It would be just over 4.7m in height with timber cladding and slate roof. A building of this bulk, mass and height would clearly be visible from the playing fields, the car park and several vantage points outside of the site.
23. Introducing such a volume of development where none currently exists would unavoidably result in a reduction in spatial openness. The building would also clearly lead to a reduction in the existing open views across and into this part of the site. A change to the site's spatial and visual openness would therefore be perceived by users of the existing building, from those using the car park and from highway users.
24. The extent of the loss would be relatively localised and given the scale of the proposed development in relation to the site's existing openness, the loss would be moderate. Nevertheless, it would not preserve the openness of the Green Belt. Therefore, it would not comply with either Paragraph 149(b) of the Framework or Policy DP13 of the TLLP2 and would be inappropriate development in the Green Belt.

Previously Developed Land

25. The Appellant suggests that the exemption at Paragraph 149(g) of the Framework and Policy DP13 of the TLPP2 applies to each element of the scheme and to the proposal as a whole. The Framework and TLPP2 have similar wording and allow for the partial or complete redevelopment of previously developed land. However, the key test in both documents is whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.
26. Policy DP13 also requires development to not have a greater impact on the purpose of including land within the Green Belt than the existing development. I have not found the new building to infringe these purposes and I similarly conclude that the extensions to the existing building would not contravene this requirement. As such, this is not a determining consideration in this matter.
27. As I have found the sports pavilion to result in a reduction in the openness of the Green Belt, it must follow that both individually and when combined with the extensions to the existing building, there would be a greater impact on openness of the Green Belt than the existing development. As such the exemption at Paragraph 149(g) does not apply to the development as a whole nor individually to the sports pavilion.
28. The works to the existing building would principally be to the side and rear of the building. The works to create the plant room at the front of the building would not be widely visible and the quiet learning room would be set against two much larger elevations of the building. Any visual or spatial loss of openness in these cases would be slight.

29. Nevertheless, the other elements of the proposal would clearly result in a physically larger building and there would be a clear perception of it being larger. Thus, the openness of the Green Belt would be reduced in both visual and spatial terms. This reduction in openness might be limited but nonetheless it would result in a greater impact on openness of the Green Belt than the existing development.
30. Therefore, I do not find that the proposal would comply with Paragraph 149(g) of the Framework or the relevant part of Policy DP13 of the TLLP2.

Conclusion

31. In view of the above, the different elements of the scheme, whether considered individually or collectively, would be inappropriate development in the Green Belt having regard to the Framework and Policies DP10 and DP13 of the TLPP2. As per paragraph 148 of the Framework, any harm to the Green Belt attracts substantial weight.

Character & Appearance

32. The proposed extensions to the existing building utilise a design and external materials that would match the host building. In these respects, the extensions are not objectionable. Similarly, the proposed new building would have a relatively simple design and layout, with the use of timber boarding and slate roof tiles offering a subdued finish. Such a building next to playing fields would not necessarily be a completely alien sight, even in a countryside setting.
33. Cumulatively there would be some erosion of the rural character of the area due to the increase in the amount of built form. However, I note that the buildings would be set around an existing car park and adjacent to playing fields. These give the immediate context a slightly less remote and untouched character. Therefore, setting aside the land's Green Belt status, the works would not be so out of keeping with the existing setting and context as to be considered unduly harmful to the wider character or appearance of the area.
34. Accordingly, the proposal would comply with Policy DP7 of the TLPP2 and Policies CSP13, CSP18 and CSP21 of the TDCS which, amongst other things, support the provision of new sports and recreation facilities whilst also encouraging a high standard of design and protection of the district's landscape and countryside.
35. The proposal would not fully concur with Policy DP18, as it contains a requirement for community, sports & recreational facilities to accord with all other relevant development plan policies. Whilst the proposal may be contrary to Green Belt policies, it would not conflict with the overall aims and objectives of Policy DP18 in respect of encouraging the provision of such facilities. Weighing the above in the balance, and notwithstanding this partial conflict with Policy DP18, I am satisfied that the proposal can be justified in relation to the issue of character and appearance.
36. In relation to this main issue, the proposal would also comply with Paragraph 130 of the Framework, which amongst other things, seeks to ensure developments are sympathetic to local character, including landscape setting.

Other Considerations

37. I note that the existing situation of the building having to be shared by different users is not ideal. Despite the nursery being a commercial operation, there would be some benefits to the local community from its expansion and allowing it sole use of the building. The new sports pavilion would also offer improved facilities to those members of the local community who make use of the sports pitches. In attributing moderate weight to these matters I am mindful that there is no suggestion that the current arrangements would not continue if the appeal were dismissed.
38. The Design and Access Statement gives details of some of the features proposed to ensure a sustainable form of construction, thereby reducing the pressures on matters such as energy and water consumption. Although such measures are becoming more common, they nevertheless can be given a small amount of positive weight.
39. I acknowledge that the proposal has received support from the Parish Council and that a local employer would be making a philanthropic donation to the local community, but these matters are not necessarily indicative of a lack of harm.

Green Belt Balance

40. I have found the different elements of the scheme individually and collectively to be harmful to openness and represent inappropriate development in the Green Belt. The Framework requires me to give these collective harms substantial weight.
41. On the other hand, the benefits outlined above carry moderate weight. These other considerations do not clearly outweigh the substantial harm I have identified due to loss of openness and inappropriateness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Planning Balance

42. I have not found the development to harm the character and appearance of the area. However, compliance with development plan policy in this regard equates to an absence of harm and as such would be a neutral factor within the overall balance.
43. Conversely the conflict with Policies DP10 and DP13 of the TLPP2 and the provisions of the Framework in relation to the protection of the Green Belt, weigh heavily against the proposal. Indeed, there are no other considerations which outweigh this finding of harm.
44. Therefore, having regard to the development plan and all other material considerations, including the Framework, the appeal should not succeed.

Conclusion

45. For the reasons given above, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR