



Appeal Decision

Site visit made on 7 February 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/M3645/D/23/3323219

Edenbrook, Wire Mill Lane, Newchapel, Surrey RH7 6HJ

- 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 Frankel against the decision of Tandridge District Council.
 - The application Ref TA/2022/1108, dated 12 August 2022, was refused by notice dated 24 April 2023.
 - The development proposed is erection of garage and storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. However, other than paragraph and footnote numbering, the section on proposals affecting the Green Belt has not changed. Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to comment on the new Framework.
3. I understand the Council is preparing a new Local Plan. I am not aware of the exact stage it has reached or whether its policies will be considered to be consistent with the Framework. Consequently, in accordance with paragraph 48 of the Framework, I give it very little weight.
4. There is an existing outbuilding on the site. This is not shown on the plans submitted with the application, but its existence is not disputed by the appellant. I have taken it into account in my consideration of this appeal.

Main Issues

5. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - ii. the effect of the proposal on the openness of the Green Belt; and
 - iii. 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

6. Paragraph 154 of the Framework states the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Policy DP14 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP2) states that new ancillary domestic buildings in the curtilage of dwellings in the Green Belt will be permitted provided they meet four criteria.
7. The appellant has not suggested the proposal would satisfy any of the exceptions under paragraph 154 of the Framework.
8. At approximately 75m², the footprint of the proposed building would be sizeable relative to that of the dwelling. Its depth, taking account of the storage element behind the garage, would be almost as great as the width of the house. In addition, the proposed ridge and eaves heights would be considerable compared to those of the existing outbuilding and bearing in mind the dwelling has a single storey with rooms in the roof. I therefore find the new building would be a dominant feature and that it would be excessive in size having regard to the size of the dwelling it would serve, notwithstanding the extent of the site. Consequently, whether or not its purpose would be fully incidental to the enjoyment of the dwelling, the proposal would not satisfy the first criterion in Policy DP14 of TLP2.
9. For the above reasons, I conclude the proposal would be inappropriate development in the Green Belt, contrary to Policy DP14 of TLP2 and paragraph 154 of the Framework.

Openness

10. Openness can be perceived spatially and visually. By occupying space that is currently undeveloped, the proposed garage would inevitably reduce the spatial openness of the site. Visually, the proposal would be seen from open land surrounding the site and from public viewpoints such as the bridge across the brook, notwithstanding the presence of some existing planting around the site. The depth and height of the proposed building would also restrict appreciation of openness through the current gap between the dwelling and the existing outbuilding. Overall, I find there would be considerable harm to openness.

Other considerations

11. The background text to Policy DP14 of TLP2 states that compliance with this Policy would in effect constitute 'very special circumstances'. Given I have already concluded that the proposal would not comply with this Policy, I do not need to consider this aspect of the Policy further.
12. I have considered the other examples of garages in the Tandridge Green Belt brought to my attention¹. I accept that in both cases the proposed garage has a large footprint relative to the existing dwelling. However, in the case of Carousel, the ridge height is lower than that proposed in this appeal; and in the case of Carlton Coombe the existing house has two storeys. In addition, on the evidence before me, the apparent siting of both garages behind dense planting with limited public views and/or surrounding open land would result in less

¹ Permission references TA/2019/246 and TA/2021/732

harm to visual openness than I have found in this case. This is notwithstanding the position of the garages at the front of their respective dwellings. Therefore, the circumstances in those cases are not sufficiently closely related to those before me to be directly comparable. Consequently, I give these other examples little weight.

13. The appellant has drawn my attention to an extant planning consent for the erection of a detached garage on the site². The footprint and siting of the garage in that case are comparable to those of the garage element in the appeal scheme. However, there is no additional storage element, so the overall footprint and depth of the building are smaller relative to the size of the existing dwelling. In addition, the consented garage has lower ridge and eaves heights than those before me. As a result, the size of the consented garage would be less dominant and its effect on openness would be less harmful than the current proposal. Accordingly, whilst I acknowledge this fall-back position as a consideration in this appeal, I afford it limited weight.
14. Solar panels are proposed on the roof of the garage/storage building, to provide renewable energy to the dwelling. Given the modest scale of the proposed installation, I attach limited weight to this benefit of the scheme.
15. I note the appellant's willingness to accept a condition to secure a different cladding colour. However, the Council has raised no concern with the proposed materials or the building's effect on the street-scene. It is also satisfied with the effect of the proposal on the living conditions of neighbouring occupiers, highways and parking. On the evidence before me, I see no reason to disagree with these conclusions. Nevertheless, an absence of harm in these respects is a neutral factor.

Green Belt Balance

16. According to paragraphs 152 and 153 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.
17. I am required by the Framework to give substantial weight to the harm the development would cause to the Green Belt by virtue of its inappropriateness and to openness. Individually or cumulatively, the weights I have attached to other considerations do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

18. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR

² Permission reference TA/2023/592 dated 3 November 2023