



Appeal Decisions

Site visit made on 7 February 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal A - Ref: APP/M3645/W/23/3327543

The Cupresses, East Park Lane, Newchapel, RH7 6HS

- 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 Mrs Kelly against the decision of Tandridge District Council.
 - The application Ref is TA/2023/479.
 - The development proposed is removal of tennis court, pavilion, fencing, floodlights and sheds and erection of recreation building.
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Appeal B - Ref: APP/M3645/W/23/3331455

The Cupresses, East Park Lane, Newchapel, RH7 6HS

- 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 Mrs Kelly against the decision of Tandridge District Council.
 - The application Ref is TA/2023/977.
 - The development proposed is removal of tennis court, pavilion, fencing, floodlights and sheds and erection of recreation building and outdoor swimming pool.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The proposals both relate to an existing tennis court. This would be replaced by a recreation building and a swimming pool. In Appeal A the swimming pool would be indoors whilst in Appeal B it would be an outdoor pool. As a consequence, the building proposed in Appeal A would be larger.

Main Issues

3. The main issues in both appeals are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect on the character and appearance of the surrounding area; and
 - Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate unless one of the specified exceptions applies. Policy DP13 of the Tandridge Local Plan Part 2: Detailed Policies echoes this and also reflects paragraph 154 g) of the Framework in relation to the redevelopment of previously developed land. This provides that development is not inappropriate if it would not have a greater impact on the openness of the Green Belt than the existing development.
5. The drawings are not dimensioned but the floor plans indicate that the buildings would measure around 37m by 20m in Appeal A and approximately 19m by 20m in Appeal B. The Appeal A building would be 2.8m high. The swimming pool in Appeal B would be enclosed with a solid metal fence of 2.6m in height to match the proposed building. As part of both proposals the existing perimeter chain link fence, eight 7m high floodlights, a pavilion of about 20 cubic metres and sheds and storage containers of around 100 cubic metres along the western boundary would be removed.
6. The volume of both proposed buildings would be significantly greater than those that would be demolished. Whilst built form would be consolidated in one place rather than spread across the site, this does not compensate for the much larger and bulkier presence that the proposals would have. Indeed, the existing structures and other items are low key and visually insignificant. The fencing and floodlights and the court itself also have a limited effect on Green Belt openness due to their modest spatial impact.
7. Overall, therefore, the proposed buildings would have a greater impact on the openness of the Green Belt than the existing development. As such, the proposals would be inappropriate development. Furthermore, as openness would be reduced there would be harm to one of the essential characteristics of the Green Belt.

Character and appearance

8. The appeals site is in an attractive rural location on the edge of a small cluster of residential properties. The land to the north is open countryside. The proposed buildings are modular with flats roofs. Timber cladding could be used to assist in blending them into their surroundings and the elevations would be punctuated by window openings. However, they would be box-like and utilitarian and the solid fencing in Appeal B would have a blank and unattractive appearance.
9. The tennis court, fencing and floodlights that would be removed clearly have a recreational function that is not out of place in this location and are much less intrusive than the proposals would be. Indeed, given their design and size they would be alien and would have a significant adverse effect on the locality. They would seriously detract from this pleasant area. Whilst the site is fairly well screened from East Park Lane and further landscaping could be required by condition, this does not overcome the fundamental objection to the very poor quality of the design. The Framework indicates that development such as this, which is not well-designed, should be refused.

10. The proposals would significantly harm the character and appearance of the surrounding area. They would conflict with Policy CSP18 of the Core Strategy which expects new development to respect its setting and local context and with Policy DP7 of the Part 2 Local Plan which expects it to integrate effectively.

Other considerations

11. The Council does not dispute that the erection of a solid enclosure to a height of 2.8m around the existing tennis court to replace the chain link fence would be lawful. The appellant asserts that the visual implications of this would be similar or worse than the proposals and that there is no clear evidence that this would not be undertaken in the event that the appeals were dismissed. Equally there is no information to indicate that it would.
12. Indeed, it seems unlikely that anyone would ordinarily go to the trouble and expense of surrounding a tennis court with an impermeable metal barrier. In my experience, they are usually enclosed by mesh fencing to contain tennis balls and to allow natural light onto the playing surface. This possibility seems all the more unlikely given that the court, existing fencing and lights do not appear well-maintained. There is therefore little to suggest that the construction of a solid metal fence around the court perimeter is a realistic prospect. This potential fallback is therefore of very limited weight.
13. Granting planning permission would enable landscaping to be secured by condition. However, there are already trees around the edges of the appeals site and it is not explained how planting to screen the proposals would enhance the wider area. As such, this potential benefit is also of limited importance.

Whether very special circumstances exist

14. The proposals would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. There would also be a loss of openness. Furthermore, the very poor designs would significantly harm the character and appearance of the area. The other considerations relating to a potential fallback and the provision of further landscaping provide little support for the proposals. These do not, therefore, clearly outweigh the totality of harm and so very special circumstances do not exist.
15. As such, the proposals in Appeals A and B would not comply with Policy DP10 of the Part 2 Local Plan which reiterates the national policy approach to development in the Green Belt.

Conclusion

16. The proposed recreational buildings and swimming pools would not accord with the development plan and there are no material considerations to outweigh that finding. Therefore, for the reasons given, the appeals should fail.

David Smith

INSPECTOR