



Appeal Decision

Site visit made on 8 April 2024 by C Glaister

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 MAY 2024

Appeal Ref: APP/M3645/D/24/3337476

Bumbles, 2 Weald Way, Caterham, Surrey CR3 6EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Philip Worrall against the decision of Tandridge District Council.
 - The application Ref is TA/2023/765.
 - The development proposed is described as "Demolition of existing garage/workshop and erection of new 'Dutch barn style' garage with workshop within loft space".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Surrey Wildlife Trust has provided additional comments at appeal stage responding to the appellant's grounds of appeal in relation to protected species. Given that one of the Council's reasons for refusal relates to bats and the appellant has addressed this matter in their submissions, I have accepted this late evidence. The appellant has been offered the opportunity to respond, but no further comments have been received.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework;
 - the effect of the proposal on: the openness and purposes of the Green Belt, the character and appearance of the surrounding area, and on bats; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development

5. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029 (July 2014) (Local Plan) and the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. These include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Local Plan Policy DP13 generally reflects the exceptions set out in the Framework.
6. Bumbles is a two-storey detached property with a large, detached garage alongside it, which has a simple pitched roof and gabled ends. This garage would be replaced by the proposal, a garage greater in height and depth than the existing building and with a more voluminous Dutch-barn style roof containing a workshop. It would be in the same use as the existing garage and sited in the same position. Nevertheless, due to the increased size the proposed garage would therefore have a considerably larger volume and appear visibly much larger than the existing garage. It would therefore be materially larger than the building it would replace.
7. Consequently, the proposal would not fall within the exception in Framework paragraph 154d) and Local Plan Policy DP13 F. It has not been put to me that the proposal would fall within any of the other exceptions in these policies.
8. Accordingly, the proposal would be inappropriate development in respect of the Framework, and by definition would be harmful to the Green Belt. 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 and purposes

9. The property is set amongst several other dwellings, but the area also has a verdant appearance, with woodland areas and open space contributing heavily to the site's wider surroundings. Although the proposal would be materially larger than the existing garage, in this context it would not contribute to urban sprawl or result in encroach into the countryside and would not therefore conflict with the purposes of the Green Belt as set out in the Framework.
10. Nonetheless, openness is one of the essential characteristics of Green Belts. The increased size of the garage would result in a loss of openness, both visually and spatially. It would be sited in a residential area and against rising ground, so the effect upon both aspects of the openness of the Green Belt would be very limited. Nevertheless, the proposal would be detrimental to the openness of the Green Belt.

Character and appearance

11. Local Plan Policy DP14 states that new garages in the Green Belt will be permitted provided they, among other things, do not constitute a dominant

feature and are not excessive in size having regard to the size of the dwelling they are to serve, and do not detract from the rural character or appearance of the locality.

12. There are other outbuildings in the area and given that the proposal would be replacing an existing garage, another garage in this location would not be out of keeping with the area, in principle. However, the size of the proposal in such close proximity to the dwelling and the development directly adjacent at No 4 would appear cramped, with considerable built form confined in a small area, at odds with the more spacious arrangement of buildings locally.
13. Although there are various outbuilding designs locally, the Dutch barn style roof would stand out in this area, where gabled roof forms are most common. It would also contrast markedly with the gabled roof of the host dwelling. Vegetation and other buildings would screen the building in some views, but both it and the host dwelling would still be clearly visible from the road via the access into the site. Consequently, while I appreciate that the appellant has sought professional advice and considered other options, the proposal would be a highly visible and dominant feature and would be excessive in size in relation to the dwelling because of its height, depth, and overall scale.
14. The use of high-quality materials and the fact that the garage would be set into the slope would mitigate the impact of the development slightly but would not overcome the harm resulting from its size. The appellant suggests a landscaping scheme could be agreed, but planting would be difficult in front of the building as it would prevent access. In the absence of any detail of what this scheme would entail, it has not been demonstrated that landscaping would mitigate the visual impact of the proposal to an acceptable level. I do not therefore consider that landscaping would mitigate the identified harm.
15. The appellant also suggests that they could reduce the height of the building by lowering part of the site to road level. This is not the scheme that is before me however, and I have no details of how this would be achieved or what other impacts this change might have. Nor has any other party had the opportunity to comment on a revised scheme. Therefore, it would not be reasonable or appropriate to require such an alteration through a planning condition.
16. The developments referred to by the appellant at other properties in the area differ in the way that they relate to the surrounding environment and other nearby buildings and the outbuildings are sympathetic in design to the host dwellings. Furthermore, I have no details of how these came to be built or whether they complied with Green Belt policies. They are not therefore directly comparable to the proposal and do not justify the harm identified.
17. Accordingly, although the proposal would not harm existing residential character, it would harm the appearance of the surrounding area. It would therefore fail to comply with Policies DP7 and DP14 of the Local Plan and Policy CSP18 of the Tandridge District Core Strategy (15 October 2008) which together seek to ensure development does not result in overdevelopment by reason of scale, respects the character, setting and local context, and does not detract from the appearance of the locality.

Bats

18. All bat species are designated and protected as European protected species. The Wildlife Trust has indicated that there is a reasonable likelihood that the existing garage has the suitability to support roosting bats and states that a Bat Preliminary Roost Assessment would therefore be required. It is necessary to establish the presence or otherwise of protected species and the extent to which they may be affected before planning permission is granted, as stated in the Office of the Deputy Prime Minister Circular 06/2005. Attaching a condition to require surveys after permission is granted would therefore only be appropriate in exceptional circumstances. None have been put forward for this appeal.
19. A Bat Preliminary Roost Assessment has not been submitted for the appeal and it has not therefore been demonstrated that the proposal would avoid or suitably mitigate harm to bats. I must therefore take a precautionary approach on the basis that bats may be harmed by the proposed development.
20. The proposal would therefore conflict with Policy CSP17 of the Core Strategy and DP19 of the Local Plan which together seek to protect biodiversity and prevent harm to protected species. It would also conflict with the Framework which seeks to protect and enhance biodiversity.

Other considerations

21. The supporting text to Local Plan Policy DP14 indicates that compliance with the policy would constitute 'very special circumstances'. The proposal would comply with criteria 3 and 4 of Policy DP14 but, as identified above, would conflict with criteria 1 and 2. The policy requires compliance with all criteria to be permitted, therefore the proposal would not comply with the policy overall.
22. Given the location of the development and the fact that the proposal would replace an existing building, it would not harm wider landscape character. The proposal also received no objections from neighbouring residents. These are however neutral matters which do not weigh in favour of the appeal.
23. I understand that the appellant wishes to use the garage to store vehicles, in part to reduce the likelihood of theft, and that it is difficult to use the garage for this purpose in its current condition. The proposal would also provide a workshop area to support the appellant's hobbies. These are however personal benefits and could potentially be achieved by other means, as the appellant sets out. It has not been demonstrated that providing space through other buildings in the garden would result in the same or greater harm than the appeal scheme. Therefore, I afford these matters limited weight overall.
24. The improvements to the area behind the garage from the scheme would be minor, not publicly visible and could be achieved without this development so offer very limited benefits. The garage is in a poor condition but still in use and it is not so dilapidated as to significantly detract from the appearance of the area. Therefore, its condition does not justify the harm that would result from the proposed replacement, and the benefit of its removal would carry very little weight.

Conclusion and Recommendation

25. The proposal would be inappropriate development in the Green Belt and would be detrimental to openness, which are matters which I give substantial weight. It would also harm the appearance of the area and it has not been demonstrated that no harm would arise to bats. Given the importance afforded to design and protected species in local and national policy, I also afford these matters substantial weight. The proposal would therefore conflict with Policies DP7, DP13, DP14, and DP19 of the Local Plan, Policies CSP17 and CSP18 of the Core Strategy, and the Framework.
26. The other considerations do not clearly outweigh these harms, and the very special circumstances necessary to justify the development do not therefore exist. Consequently, the proposal also would not comply with Policy DP10 of the Local Plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation set out above. On that basis the appeal is dismissed.

L McKay

INSPECTOR