



Appeal Decision

Site visit made on 16 August 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2024

Appeal Ref: APP/M3645/D/23/3333759

Little Heath Cottage, Kent Hatch Road, Limpsfield, Surrey RH8 0SZ

- 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 Glyn Gibbs against the decision of Tandridge District Council.
 - The application Ref is TA/2023/549
 - The development proposed is Erection of a detached car port.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached car port at Little Heath Cottage, Kent Hatch Road, Limpsfield, Surrey RH8 0SZ in accordance with the terms of application Ref: TA/2023/549 dated 2 May 2023 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PLN 01; PLN 02; PLN 03; PLN 04; PLN 05; PLN 06; PLN 07 and TREE PLAN 05576/2021 R1.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
4. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023, and any reference to paragraph numbers are to this version.

Main Issues

5. The main issues are:

- whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2023) (the Framework) and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt; and
- if it is 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 needed to justify the development.

Reasons

Inappropriate development

6. The appeal property comprises a detached two storey dwelling which is accessed and set back from Kent Hatch Road. The surrounding area is rural in character and nearby dwellings are generally large and set back from the road within spacious plots.
7. The appeal site is within the Green Belt. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. The proposed development is for a new detached car port and does not fall within any of the exceptions listed in the Framework.
8. Policy DP10 of the adopted Tandridge Local Plan Part 2: Detailed Policies 2014-2029 Adopted Version (2014) (LPP2) sets out that within the Green Belt, planning permission for inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused. It goes on to advise that proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm. This approach accords with the approach of the Framework.
9. Accordingly, as the proposal would fail to comply with the exceptions identified within paragraph 154 of the Framework, it would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

10. Paragraph 142 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
11. Openness has both spatial and visual aspects. The proposal would be well screened from Kent Hatch Road by mature vegetation on the site's front boundary, however glimpsed views of the proposal would be possible from the road. There would therefore be a visual impact, albeit to a limited degree, on openness.

12. In terms of spatial aspects, whilst the proposal would be a modest single-storey height structure with a pitched roof and an open frontage, it would introduce built form into a part of the site which is currently undeveloped. Consequently, it would reduce the spatial openness of the site. Overall, the proposal would have a moderate harmful effect on the visual and spatial openness of the Green Belt. As such, the proposal would conflict with the provisions within the Framework which seek to preserve the openness of the Green Belt.

Whether very special circumstances exist.

13. The Council's approach towards new garages and other ancillary domestic buildings in the Green Belt, is set out in Policy DP14 of the LPP2. The supporting text to Policy DP14 makes it clear that compliance with the policy for a reasonable addition to a dwelling, would in effect constitute the required 'very special circumstances' for inappropriate development in the Green Belt to be permitted within Tandridge District.
14. There are 4 criteria to that policy and the Council is concerned that there would be conflict with criteria 3. This states that ancillary domestic buildings will be permitted in the Green Belt provided they "*are not to replace any existing garage that has been converted to residential use*". In that respect, the Council's reason for refusal states that the proposal would replace an existing garage that has been converted to residential use, and would therefore be contrary to Policy DP14.
15. In determining the previous appeal¹ at the site, the Inspector stated that they did not have conclusive evidence before them to demonstrate that the property had not previously had garaging space that had since been converted to living accommodation, nor that later alterations to the property following planning permissions in 1999 did not result in the loss of a garage space.
16. Planning permission Ref:GOR/253/68 for the 'extension to provide sitting room and erection of garage' was approved in 1968. The evidence submitted with the current appeal indicates that the drawings for that application showed a garage positioned to the rear of the dwelling near to the site's northern boundary. The Council's submitted evidence includes aerial images from 1999 and 2000 which show a building which appears to be a garage located in a similar position to the rear of the dwelling. Further aerial images show that the garage had been demolished by 2008.
17. There are two further historic planning permissions at the site. The appellant advises, and it is not disputed by the Council, that planning application Ref:99/251 approved in 1999 for the 'demolition of the existing garage, erection of 2 storey side extension to provide garage with bedroom' was never implemented. Instead, a subsequent planning application Ref:99/842, also approved in 1999, for the 'erection of 2 storey side extension to provide playroom, utility room and store with bedroom and en-suite bathroom over. Erection of rear conservatory' was implemented. The appellant states that whilst garage doors were shown on the drawings for this application the room that these served was a store-room and utility space, being inadequate in size to accommodate a car. In determining the previous appeal at the site, the

¹ Ref: APP/M3645/D/21/3285485

Inspector agreed that this space appeared to be too small for a typical garage, and I have no evidence to the contrary.

18. The planning application forms submitted with one of the 1999 planning applications refer to the demolition of an existing garage. From the submitted evidence, the only garage building that existed at the site is the building which was located to the rear of the site adjacent to the northern boundary, and which was demolished sometime between 2000 and 2008. As this garage has been demolished for a considerable length of time, it is neither existing, nor has it been converted to residential use. Therefore, the evidence before me indicates that there is no existing garaging space at the property that has since been converted to living accommodation. Consequently, the previous existence of the now demolished garage, does not result in any conflict with criterion 3 of Policy DP14.
19. In regard to the requirements of Policy DP14, the Council has not raised concerns about the size of the proposal in relation to the dwelling which it would serve, as set out within criterion 1. I agree, and am satisfied that it would also comply with the second criterion which requires that development does not detract from the rural character or appearance of the locality. Its intended use as a car port would also be incidental to the enjoyment of the dwelling, in compliance with criterion 4. The proposal therefore complies with Policy DP14. The supporting text to Policy DP14 makes it clear that compliance with the policy for a reasonable addition to a dwelling, would in effect constitute the required 'very special circumstances' for inappropriate development in the Green Belt to be permitted within Tandridge District.

Conditions

20. I have considered the Council's suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance (PPG). I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty.

Green Belt Balance and Conclusion

21. The proposal would comprise inappropriate development which is by definition harmful to the Green Belt. In accordance with the Framework, I give substantial weight to this harm, and to the loss of openness, albeit that any harm in this latter regard would be moderate. However, I conclude accordance with Policy DP14 of the LPP2 is a consideration of sufficient weight and importance to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the harm to openness. I therefore conclude that there are very special circumstances which indicate that the development should be approved. On this basis, the proposal would also comply with Policy DP10 of the LPP2 which states that proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist to the extent that other considerations clearly outweigh any potential harm by reason of inappropriateness and any other harm.
22. For the reasons given above, I conclude that the appeal should be allowed.

B Pattison

INSPECTOR