



Appeal Decision

Site visit made on 18 March 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/M3645/D/24/3352332

The Firs, Maesmaur Road, Tatsfield, Surrey TN16 2LD

- 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 Joseph Simpson against the decision of Tandridge District Council.
 - The application Ref is TA/2024/591.
 - The development proposed is “detached garage.”
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are two extant planning permissions for a detached garage at the appeal site. Planning permission was granted in July 2022¹ for a garage with a pitched, gabled roof and extending to a depth of 5.19m (the 2022 permission). An error in the drawings showing a deeper extension in section was regularised through a non-material amendment². A second permission was granted in 2024³ (the 2024 permission) for a flat roofed garage extending to a depth of 6m.
3. At the time of my site visit, a garage with a flat roof was in the process of being constructed. My decision is necessarily based on the proposed drawings before me.

Main Issues

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

¹ Ref 2022/66 dated 4 July 2022.

² Ref 2022/66/NMA2 dated 11 July 2023.

³ Ref 2024/1011 dated 20 November 2024.

Reasons

Whether Inappropriate Development

5. The Firs is a detached house set back from the road within a substantial plot which slopes away from Maesmaur Road. The appeal proposal involves the erection of a detached garage with a pitched, gabled roof, located to the side of the house.
6. The Framework identifies that the construction of new buildings in the Green Belt is inappropriate development. However, paragraph 154 of the Framework sets out several exceptions to this. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2019 (adopted 2014) (Local Plan) reflects the approach of the Framework.
7. Paragraph 154(d) allows the replacement of a building, providing the new building is in the same use and is not materially larger than the one it replaces. From the evidence available to me, the proposed building would not be replacing an existing building in the same use compared to which it would not be materially larger.
8. The other relevant exception is set out paragraph 154(c) which allows for the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building. In this case, the garage is set away from the main house, and I do not consider it would be perceived as part of the main house. Even if it were, the footprint of the garage is significant when compared to the footprint of the main house and I consider it would comprise a disproportionate addition.
9. The proposed development, when judged against the criteria of paragraph 154 of the Framework and Policy DP10 of the Local Plan, is therefore inappropriate development in the Green Belt.

Openness

10. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually. The proposed garage would result in an intensification of built form over a greater footprint within the site. It would therefore harm spatial openness.
11. In terms of visual openness, the proposed garage would be highly visible from the street. Overall, the harm to spatial and visual openness would be moderate due to the footprint and scale of the proposed garage.

Other Considerations

12. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. Local Plan Policy DP14 sets out a criteria-based approach in relation to proposed garages and other ancillary domestic buildings within the Green Belt where 'very special circumstances' are required for their development. Amongst other things, the policy requires that new outbuildings must not constitute a dominant feature and are not excessive in size having regard to the dwelling they are to serve.

14. As set out above, the footprint of the garage is significant when compared to the footprint of the adjacent dwelling. Taken together with the additional bulk arising from the pitched, gable ended roof, the overall effect would be a garage that would appear as a dominant feature in relation to the host dwelling.
15. The two fall-back positions arising from the extant permissions are a material consideration. However, the appeal proposal would have a more harmful effect on the openness of the Green Belt than either of the fall-back positions. The 2022 permission would not extend to the depth of the appeal proposal and would have a lesser effect on spatial openness. The 2024 permission, although deeper than the 2022 permission, would include a flat roof and would not appear as visually dominant in relation to the host dwelling. Consequently, it would have a lesser effect on visual openness than the appeal proposal.
16. The Council do not consider that the proposal would be harmful to the character and appearance of the area, or that any harm would arise to the living conditions of nearby residents. The evidence does not lead me to disagree with these conclusions. The absence of harm in these respects is a neutral factor which does not weigh for or against the proposal.
17. I have found that the proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to attach substantial weight. There would also be a moderate loss of openness. The other considerations are not matters that clearly outweigh the harm arising from inappropriateness and loss of openness. The proposal therefore conflicts with the Green Belt protection aims of the Framework and with Policies DP10 and DP14 of the Local Plan. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Planning Balance and Conclusion

18. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt as described in paragraph 152 of the Framework. I have also found that there would also be a moderate loss of openness. In accordance with paragraph 153 of the Framework, I attach substantial weight to the harm to the Green Belt that I have identified.
19. The presence of the two fall-back positions would not outweigh the harm that I have identified, since each of them, as set out above, would have a lesser effect upon the openness of the Green Belt when compared to the appeal proposal.
20. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR