



Appeal Decision

Site visit made on 24 March 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 April 2025

Appeal Ref: APP/L3625/D/24/3356030

Bluebell Wood Brighton Road, Lower Kingswood, Tadworth KT20 6XL

- 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 M Connors against the decision of the Reigate and Banstead Borough Council.
 - The application Ref is 24/01313/HHOLD.
 - The development proposed is rear extension of existing building and demolition of garden buildings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed extension would be inappropriate development in the Green Belt and, if so, whether other considerations clearly outweigh the harm to the Green Belt, and any other harm, so as to amount to very special circumstances.

Reasons

3. The National Planning Policy Framework (the Framework) establishes that development within the Green Belt should be regarded as inappropriate unless one of the specified exceptions applies. Exception (c), as set out in paragraph 154 of the Framework, allows for the extension and alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. This is reflected in policy NHE5 of the Reigate & Banstead Local Plan Development Management Plan (DMP).
4. Firstly, the original building needs to be established, which, as set out in the Framework and DMP policy NHE5, is that as originally built or as it existed on 1 July 1948. Based on the planning history, the appeal building has had several previous uses before it became an independent dwelling. Both parties refer to the "original dwelling". It is therefore unclear whether that is the same as the building when it was first constructed, and I have no plans before me of the building in its original form as a games room (prior to 1998).
5. In the absence of any other details, the Council's figures indicate an original area of approximately 62 sqm, and that the proposal, together with previous extensions, would equate to 129 sqm. At an approximately 108% increase, this would be substantial. The extensions follow the existing single-storey form, and therefore,

while there is some variation in height, proportionally the increase in volume would be of a similar magnitude.

6. The appellant suggests that the existing porch should be included as part of the original. However, its presence on plans in 2007 relating to the garage extension does not demonstrate that it formed part of the original building, and in any event, would not significantly alter these figures.
7. The scheme does, however, propose to remove a number of existing structures, including the porch, a canopy and two outbuildings. As wooden outbuildings, or in the case of the porch and canopy subservient additions to the property, they are lower in height and have a more lightweight appearance. They therefore have less physical and visual presence and are also spread across the plot. While the appellant suggests that the footprint to be removed is greater than that being added, the massing and visual appearance, as part of the single building, would be significantly larger.
8. As permitted development rights have been removed, other outbuildings could not be erected without planning permission, and therefore, the rest of the site would remain open. However, the Council notes that one of the outbuildings does not benefit from planning permission, and I agree that the canopy roof over the parking area is an open structure without a defined floor area. Consequently, whilst there would be some offset from the removal of these existing structures, it would not be of the scale or visual presence of that proposed. Other factors, including the size of the plot and visibility, do not affect the specific assessment of the building with the additions compared to its original size.
9. The L-shaped form of the property, as a result of the development, would appear substantially larger than the original building and therefore would be a disproportionate addition. As such, it does not accord with exception (c) of the Framework and DMP policy NHE5 1d and would be inappropriate development in the Green Belt.
10. There would be no conflict with the other criteria of policy NHE5 (1 a. to c.). The property is part of a group of buildings to the east of Brighton Road, and the proposal would not extend development beyond that area. However, while maintaining the low-level form, the increased size and different shape of the building would result in some localised, albeit limited, reduction in the visual and spatial openness of the Green Belt.

Other Considerations

11. The dwelling is small and occupies only a small proportion of the plot. Whilst it was an annexe, there is no evidence to suggest that the accommodation is substandard. It was deemed suitable for independent living, and the plans show accommodation with living spaces and three bedrooms.
12. The appellant indicates that the extension is to provide appropriate living arrangements to support the healthcare needs of a disabled dependent, although no specific evidence or requirements have been provided. While I sympathise with the situation, planning is concerned with land use in the public interest, and I can only give this matter limited weight.

13. It is clear that the appellant has sought a number of ways to facilitate the extension of the building and is willing to offer the loss of other structures to support this. These “trade-offs,” however, do not equate to a benefit of the proposal.
14. The Council have found that the design of the proposed scheme would be appropriate for the host property and would not cause harm to the character of the area, including its location within an Area of Great Landscape Value. I have no reason to disagree, and other than on Green Belt grounds, there are no specific objections to the proposed development. Nevertheless, the absence of harm in other respects is not a positive consideration, as acceptability in design and amenity terms is to be expected.

Planning Balance

15. As set out in the Framework, very special circumstances will not exist unless the harm to the Green Belt and any other harm resulting from the proposal is clearly outweighed by other considerations.
16. Substantial weight is to be given to the harm derived from the proposal being inappropriate development in the Green Belt, and there would be some limited loss of openness. The Council has not raised any other concerns or policy conflicts, and therefore, there is no additional harm.
17. However, even taken together, the other considerations put forward, including the personal circumstances, provide limited support for the scheme. Accordingly, these do not clearly outweigh the overall harm. Consequently, the very special circumstances necessary to justify the proposal have not been demonstrated.

Conclusion

18. The proposed development would not accord with the development plan, and there are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal is dismissed.

G Ellis

INSPECTOR