



Appeal Decision

Site visit made on 7 April 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2025

Appeal Ref: APP/C3620/D/24/3353267

1 The Stables, Rookery Hill Farm, Rookery Drive, Westcott RH4 3LQ

- 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 L. Binder against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/0809/PLAH.
 - The development proposed is erection of detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the refusal of the planning application, the Council adopted the Mole Valley Local Plan 2020-2039 (MVLN) on 15 October 2024. Policies RUD9 and ENV4 of the Mole Valley Local Plan (2000) and Policies CS1 and CS13 of the Mole Valley Core Strategy (2009) are no longer part of the development plan. Accordingly, I have determined the appeal against the relevant policies of the MVLN. The appellant refers to the MVLN and relevant policies in their statement.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

4. The main issues are:
 - whether the proposal 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 the proposal would conserve and enhance the landscape and scenic beauty of the Surrey Hills National Landscape (formerly known as Surrey Hills Area of Outstanding Natural Beauty and hereafter referred to as the SHNL); and
 - if the appeal scheme is found to be inappropriate development, 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 scheme.

Reasons

Whether inappropriate development

5. The appeal site is located in the Green Belt. Paragraph 154 of the Framework sets out that development in the Green Belt is inappropriate, other than in a few exceptions including (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Policy EN1 of the MVLP is consistent with the Framework and includes a similar exception at point 3(a). However, in addition to extensions and alterations, the exception set out in Policy EN1 3(a) of the MVLP, also includes ancillary buildings within the curtilage of an existing dwelling or other building, provided the development does not result in disproportionate additions over and above the size of the original building.
6. The appeal site is located a considerable distance away from the main dwelling and its associated garden. The land does not appear as garden land and due to the juxtaposition of the proposed garage with the main dwelling it would not fall within the curtilage of the dwelling or be viewed as an extension, alteration or ancillary building associated with the existing dwelling. Therefore, the proposal does not meet the exception listed at point 3(a), or any other exceptions listed within Policy EN1 of the MVLP and paragraph 154 of the Framework.
7. Accordingly, the proposed development would be inappropriate development, which is, by definition, harmful to the Green Belt.

Openness

8. The Framework emphasises that a 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.
9. The proposal would introduce a double garage onto undeveloped land. It would occupy an elevated position within the landscape and although views of the proposal would be filtered by existing buildings and trees there would be moderate harm to both the visual and spatial openness at a localised level. As such, the proposed development would materially reduce the spatial and visual openness of the Green Belt.
10. While the harm would be moderate, I attach substantial weight to the harm in accordance with the Framework. The harm to openness would be in addition to the inappropriateness of the proposal.

SHNL

11. The appeal site is located within the SHNL. The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area. Section 245 of the Levelling-up and Regeneration Act 2023 amended the duty on relevant authorities in respect of their functions which affect land in National Landscapes. Relevant authorities must 'seek to further' the statutory purposes of Protected Landscapes, including National Landscapes.
12. The Framework describes National Landscapes as having the highest status of protection in relation to landscape and scenic beauty, to the conservation and enhancement of which great weight should be given.

13. Policy EN8 of the MVLP states that the SHNL is a nationally important landscape designation and development proposals that fail to conserve and enhance the landscapes and scenic beauty within the SHNL, their cultural significance and wildlife habitats will be refused.
14. The appeal site comprises an undeveloped piece of land located within a tranquil, rural setting. The surrounding area has a strong presence of woodland, within an undulating topography, with clusters of residential dwellings, including converted former farm buildings.
15. Notwithstanding that there are numerous residential properties nearby, many with large gardens and outbuildings, the appeal site is an open area of land not closely related to the existing residential buildings nearby. The land is adjacent to an unmade farm track and the site has a rural appearance.
16. The size and height of the proposed double garage would occupy an elevated position within the landscape, and although there would be limited views of it from nearby lanes, it would be visible from nearby residential properties.
17. The use of timber cladding, with a tiled roof, would be appropriate for its rural setting, and soften its appearance within the landscape. However, the proposed double garage would be viewed as a standalone domestic building not associated with an existing house. As a result, it would be an encroachment of a domestic building onto land that currently forms part of the countryside. It would therefore be harmful to the rural landscape.
18. The appellant suggests that the Council has been inconsistent in its approach to such applications. In particular, it is highlighted that a similar scheme, granted on appeal¹ (the previous appeal decision) at 'Rookery Hill Farmhouse' was not considered to be unacceptable in terms of the effect on the setting and character of the SHNL. However, even though the design and appearance of that scheme is similar to the appeal scheme, that building is closely related to the main house and viewed within the context of the associated garden of that property, whereas the appeal proposal is not. Therefore, the previous appeal decision does not add weight in favour of the development.
19. For these reasons, I conclude that the proposal would not conserve and enhance the landscape and scenic beauty of the SHNL. Accordingly, it would not accord with Policy EN8 of the MVLP.

Other considerations

20. Policy EN1 of the MVLP highlights that inappropriate development will not be permitted in the Green Belt, unless very special circumstances are demonstrated which are concluded to outweigh the potential harm, including harm to the openness of the Green Belt and the purposes of including land within it. This is consistent with paragraph 153 of the Framework.
21. Garages and outbuildings are not uncommon features within the Green Belt, which could also be carried out under permitted development rights. As such, it is not unreasonable for the occupants to want a garage for parking vehicles and for domestic storage purposes. However, even within the context of the topography of the land, the position of the existing drive and the presence of other buildings next

¹ Appeal Ref: APP/C3620/D/20/3261847

to the host property, on the evidence before me, it is not clear why an alternative location, closer to the main house, is not feasible. In addition, I have limited information which demonstrates why the garage needs to be the size proposed. Therefore, the weight I can attribute to the benefits of a garage to the occupiers is tempered by these factors.

22. There is no question that domestic garages and outbuildings on garden land within the Green Belt could be acceptable. Inevitably, it is the detail and specific context of any development which determines whether it is acceptable in practice. Indeed, my attention has been drawn to other garages and outbuildings in the immediate locality of the appeal site, in addition to the previous appeal decision. In particular, those at 'Springs', 'Wolvens' and 'Mill House'. Those garages and outbuildings, due to the juxtaposition with the main house, are viewed within the context of the sizeable gardens of each property.
23. In contrast, the appeal site is not garden land and due to the topography of the land, the significant separation distance from the main house, with intervening buildings in between, the proposed garage would be viewed as a standalone building. In combination with its footprint and height, it would not be viewed as an ancillary domestic outbuilding associated with the main house. Therefore, the proposed garage is not comparable to other domestic garages and outbuildings in the locality. Given this, these examples do not add weight in favour of the development.

Green Belt Balance

24. The proposed development would be inappropriate development in the Green Belt which in line with Paragraph 153 of the Framework is harmful by definition. I have also found that the appeal proposal would reduce the openness of the Green Belt which also amounts to harm and carries substantial weight. The proposal would also not conserve and enhance the landscape and scenic beauty of the SHNL, which I am required to give great weight to. I thus attach significant weight to the identified harm that would be caused by the development.
25. I have given some weight to the other considerations in favour of the proposal. However, they do not clearly outweigh the harm arising from the proposal. Consequently, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of Policy EN1 of the MVLP and the Framework. It also conflicts with Policy EN8 of the MVLP.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR