



## Appeal Decision

Site visit made on 19 February 2019

**by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 May 2019**

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**Appeal Ref: APP/C3620/W/18/3205651**

**28 Becket Wood, Newdigate RH5 5AQ**

- 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 Anthony Zembashis against the decision of Mole Valley District Council.
  - The application Ref MO/2018/0669/PLA, dated 12 April 2018, was refused by notice dated 19 June 2018.
  - The development proposed is the erection of ancillary accommodation or annex to the main dwelling house.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

### Main Issues

3. The appeal property is located within the Metropolitan Green Belt and is one of several well-proportioned dwellings which comprise the Becket Wood estate. The site forms part of an area upon which a former munitions factory was situated, and I understand from the Council Officer's report that the development of this site within the Green Belt was originally granted subject to an agreement which limited future enlargement of dwellings. I am further informed that the agreement provided that the land upon which the proposal would be constructed, was to remain as agricultural land. I have not been provided with a copy of this agreement or any plans which show the extent to which the agreement applies to the appeal site.
4. In this regard, the appeal site comprises a large area of open roughly grassed ground which is bordered to the east by scrub woodland vegetation, and is surrounded to the north and west by open agricultural fields. When viewed from the estate or from the surrounding area, the site is seen in the context of agricultural land rather than garden forming part of the curtilage of 28 Becket Wood. Consequently, the site is open countryside forming part of the Green Belt.

5. Therefore, the main issues are:

- Whether the proposal is inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the surrounding area; and,
- If the development is inappropriate, 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 the development.

## **Reasons**

### *Whether inappropriate development*

6. There is dispute between the main parties as to whether the proposal should be considered to be an extension to the dwelling or should be assessed as a new and separate building. In this regard, whilst I acknowledge that the main dwelling and its gardens are very generously sized, by reason of its scale and separation distance from the main dwelling, I consider that the proposed development would be a new and separate building. Due to its scale, even if the proposed structure was considered to be an extension to the main dwelling, the building would result in a disproportionate addition over and above the size of the main dwelling.
7. The Framework makes clear that substantial weight must be given to any harm to the Green Belt, with the fundamental aim of planning policy in relation to such areas being to prevent urban sprawl by keeping land permanently open.
8. The proposal seeks permission for the construction of a new building, and paragraph 145 of the Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a list of exceptions. The proposal is not for agriculture or forestry, or outdoor sport, and would not be located in a settlement where it could be considered infilling and does not make provision for affordable housing. For the reasons set out above, the proposal is not an extension to a building, nor is it a replacement building.
9. The proposed development is the construction of a new building and is not covered by any of the exceptions in the Framework. For all of these reasons, the proposed development would be inappropriate development in the Green Belt having regard to the Framework.

### *Effect on openness*

10. The essential characteristics of the Green Belt are its openness and permanence. The proposed development would introduce an additional area of hardstanding in addition to the building, and which would unduly increase the built form at this countryside location, by some margin. The current relatively spacious and open nature of this part of the site would be undermined by the location and bulk of the building, leading to a reduction in the openness of the Green Belt as a result.

11. Furthermore, there would be a visual impact to openness. Notwithstanding the siting of the new building at the edge of the estate, the structure would still be visible from the roadway as it gently slopes down towards the appeal property from outside 25 Becket Wood, as well as being visible in the wider and open landscape north and west of the site. The visual intrusion would further harm openness in the Green Belt.

#### *Character and appearance*

12. Paragraph 143 of the Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Consequently, within paragraph 144, the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 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.
13. As set out above, I have concluded that the appeal site is located within the open countryside. The site is located adjacent to a collection of residential dwellings which comprise the Becket Wood estate.
14. Whilst the proposed building would be single storey and finished in materials consistent with nearby development, its visual impact would still be evident from both within the estate and within the wider landscape, due to its overall mass and associated hardstanding. In this regard the development of the site would result in a further encroachment of developed land into the rural countryside.
15. Therefore, the proposed development would result in harm to the character and appearance of the surrounding area. Consequently, it would conflict with Policies CS1 of the Mole Valley Local Development Framework Core Strategy<sup>1</sup> and Policy ENV23 of the Mole Valley Local Plan<sup>2</sup> which together seek to ensure development is focused at the right locations, in built up areas first, recognising the character of the area within which it would be located.

#### *Other considerations*

16. It has been put to me that the proposal would provide accommodation which would be accessible for all, and that in conjunction with the main dwelling the proposal would add to the mixture of housing types which the area needs in supporting an ageing population. However, I attach limited weight to this given the modest scale of the development proposed, and as such benefits are not uncommon and as there is limited evidence to suggest any significant need in these regards. The weight is also tempered as the proposed dwelling would be located away from any meaningful services or facilities. The estate is approximately one and a half miles from Newdigate village, and in a rural area which does not appear to be close to any public transport routes.
17. The appellant has explained the need for the accommodation in terms of the advantages of being able to have relatives living close to the family, so that care can be provided when necessary, whilst also providing these relatives with some independence. However, there is no evidence before me which explains

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<sup>1</sup> Adopted October 2009

<sup>2</sup> Adopted October 2000

why and how the proposals are essential for meeting these needs at this location, and little to say that there are no other means of meeting them. Therefore, I attach only limited weight to these personal circumstances.

18. These matters are all benefits of the development, and cumulatively I attach moderate weight to them. I, therefore, conclude that these benefits are not sufficient to overcome the harm that would arise through inappropriate development in the Green Belt, in addition to the other harm identified above.

### **Other Matters**

19. My attention has been drawn to other developments within the Becket Wood estate which the appellant contends are comparable to the appeal proposal. I have considered the information which has been provided in respect of these other developments, but I am, however, not familiar with all of the circumstances of those proposals and, in any event, all applications for planning permission must be determined on their individual merits.

### **Conclusion**

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have found that there would be harm to the openness of the Green Belt and harm to the character and appearance of the surrounding area. The substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
21. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*A Spencer-Peet*

INSPECTOR