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Planning Department  
Mole Valley District Council  
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24 June 2022

Dear Sirs

**MO/2022/0902/PCL**

**Mill House, Rookery Drive, Westcott, Dorking, Surrey, RH4 3LQ**

**Certificate of Lawfulness for the proposed development in respect of the erection of a single storey extension to existing garage to be used as ancillary residential accommodation.**

We write to object to this application principally on the basis that we believe this proposal does not comply with NPPF Policy in relation to Green Belt or Policy RUD9 which states:-

**POLICY RUD9 - GARAGES AND OTHER ANCILLARY DOMESTIC BUILDINGS IN THE CURTILAGE OF DWELLINGS IN THE COUNTRYSIDE**

**Where planning permission is required, new garages and other ancillary domestic buildings in the countryside outside the settlement areas of**

**the villages identified in Policies RUD1, RUD2 and RUD3 will normally be permitted provided they:**

- 1. are not excessive in size having regard to the size of the dwelling they are to serve;**
- 2. do not constitute a dominant feature, having regard to the scale of the existing dwelling nor detract from the rural character or appearance of the locality;**
- 3. are not readily capable of subsequent conversion to residential accommodation;**
- 4. are not to replace an existing garage that has been converted to residential use;**
- 5. are for ancillary domestic purposes only.**

There is considerable planning history in relation to this property and there have been notable inconsistencies in the information provided by the applicant which need to be verified by Mole Valley District Council by site inspection when considering the merits of this application.

MO2021/0361 was for the extension to the existing triple garage to provide ancillary workshop/storage for the main dwelling, Mill House. This was refused by MVDC on the following grounds:-

*“The proposed extension to the garage building would result in a disproportionate addition over and above the size of the original building, which would be harmful to the openness of the Green Belt, in conflict with the advice in the National Planning Policy Framework, and Mole Valley Local Plan policy RUD9. There are considered to be no very special circumstances that clearly outweigh the harm caused by reason of inappropriateness and any other harm.*

*The site is situated within the Surrey Hills Area of Outstanding Natural Beauty as designated under Section 87 of the National Parks and Access to the Countryside Act 2000 and the proposal would fail to conserve and enhance the existing special landscape qualities and harm the landscape character and appearance of the area in conflict with Mole Valley Core Strategy policy CS13, policies P1 and P2 of the Surrey Hills AONB Management Plan 2020 -2025”.*

Later in the year the applicant submitted MO/2021/1547 for a Certificate of Lawfulness for the existing development in respect of the erection of a garage and a conservatory. This application was to regularise the size of the buildings which had been built considerably larger than consented. This application was approved by MVDC and the appraisal in the Officer's Report stated:-

*“In order to grant the certificate, the buildings need to have been in situ for a period of more than 4 years. It's clear from the history of the property that the garage was granted planning permission in 2011. The conservatory on the summerhouse was granted planning permission in 2004. Both these structures were built bigger than granted.*

*However, it is concluded that as the structures, as built, have been there for more than 4 years, the certificate should be granted. There have been applications to try to convert the garage building into a dwelling, however these have been refused so the current use as an ancillary domestic outbuilding would still stand.*

*As this is an application just to regularise the garage and conservatory that were built larger than their respective planning approvals, it is considered that there is enough evidence to state that on the balance of probabilities both structures have been in situ for more than four years. Any use of either building as a separate dwelling would require planning permission”.*

Despite a prompt from WVA in its letter of objection dated 26 October 2021, it was unfortunate that MVDC did not actively dismiss the applicant's blatant attempt to regularise the use of the buildings through their Statutory Declaration at the same time, where they said:-

I have used both building s for their current purpose as ancillary residential dwelling for my family continuously from in the case of the summer house early 2008 and the garage from early 2012 without objection, compliant, obstruction or dispute since that date and this use remains unaltered up to the date of this statutory declaration.

This represented a remarkable change of tack from MO/2021/0361 a few months earlier which sought "the extension to the existing triple garage to provide ancillary workshop/storage for the main dwelling, Mill House". In relation to the applicant's subsequent Statutory Declaration, we do not believe that there has been "continuous" residential use, ancillary or otherwise and believe that internal inspection by MVDC would verify this, particularly as the existing garage has a thatched roof (no rooflights) and no visible fenestration whatsoever.

Despite the applicant saying that this application (MO/2022/0902) is not an application to use the garage building as a separate dwelling, it is an application "to relocate the footprint volume of the summer house and add it to the end of the existing garage and to use the building as ancillary residential accommodation"... "by the applicant's son and his wife".

We believe that the relocation of footprint and volume of the existing summer house and conservatory from a less prominent position to the rear Mill House to extend the garage building in its more open setting on the other side of Pipp Brook is inappropriate in this dark sky location which is within Green Belt, Area of Outstanding Natural Beauty and Area of Great Landscape Value. It is even more so if the proposal is for it to be in residential use, ancillary or otherwise.

If MVDC is minded to approve this application, WVA request that it should be conditioned that the demolition of the summer house and conservatory has to be evidenced prior to any extension of the garage building. We would also request MVDC to look very carefully at fenestration and outdoor lighting proposals to prevent light pollution in this open location.

We nevertheless strongly urge MVDC to refuse permission for this application.

Yours sincerely,

James Leaver  
Planning Lead, Westcott Village Association