
Appeal Decision

Site visit made on 14 February 2017

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th March 2017

Appeal Ref: APP/R3650/W/16/3161867

Fir Tree Cottage, Farnham Road, Churt, Farnham GU10 2PY

- 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 M Gilbert against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1614, dated 8 August 2016, was refused by notice dated 28 September 2016.
 - The development proposed is demolition of existing dwelling and erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt,
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) 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

Inappropriate development

3. Policy RD2A of the Waverley Borough Local Plan 2002 states that proposals for replacement dwellings in the Green Belt will be permitted provided that (in addition to other criteria) the replacement dwelling is not materially larger than the dwelling it replaces. Policy C1 of the Local Plan makes clear that the replacement of existing dwellings is capable of being appropriate within the Green Belt provided such proposals are in accordance with policy RD2A.
 4. Paragraph 89 of the National Planning Policy Framework 2012 (the Framework) provides that the replacement of a building would not amount to inappropriate development in the Green Belt provided that the new building is in the same use and not materially larger than the one it replaces. The Framework makes clear that the Government attaches great importance to Green Belts and that their fundamental aim is to prevent urban sprawl by keeping the land
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permanently open, safeguarding the countryside from encroachment and that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

5. The appellant highlights a relevant fallback position in the form of a certificate of lawfulness for a single storey dwelling. Nevertheless, in determining whether or not the proposal would be inappropriate in the Green Belt, I consider it necessary to assess it against the size of the existing building – this being the baseline rather than the building as extended through permitted development rights. This is because policy RD2A refers to the 'dwelling it replaces' whilst paragraph 89 of the Framework refers to 'the one it replaces'. I do not consider these policies allow for the inclusion of any possible future extension (the fallback position) in coming to a judgement on whether a replacement building is materially larger than the one it replaces. In my view the matter of the fallback position is a consideration for later in the overall Green Belt assessment and I shall turn to consider it later in my decision.
6. The associated text to policy RD2A indicates that, as a guideline, replacement proposals which increase the floor space of the existing dwelling by more than 10% will generally be regarded as being 'materially larger' and therefore inappropriate in the Green Belt. The Council states that the proposed replacement dwelling would result in an increase in floor space of 41% over that of the existing dwelling. Whilst the floor space figures provided by the appellant result in a lower percentage increase it would still be significantly more than the 10% advised as being acceptable by the Council. Taking into account the increased ridge height and general massing of the proposed replacement dwelling, I consider that it would be materially larger than the existing dwelling it replaces. It would therefore be inappropriate development in the Green Belt.

Openness

7. Openness is an essential characteristic of the Green Belt. The footprint of the proposed replacement dwelling would be similar to that of the existing dwelling (not including the lawful extension). However, the increased ridge height of the proposal along with the increase in overall massing would result in it having a modest increased impact on the openness of the Green Belt in comparison with the existing building. Whilst the site is well screened from the road and the finished floor level would be lower than the road, these factors only mitigate against its adverse impact on openness to a limited degree.
8. Whilst the harm to the openness of the Green Belt would be modest, paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Other considerations

9. As referred to earlier my decision, the appellant draws attention to a Certificate of Lawful Development granted in March 2016 for a single storey extension to the rear of the existing building. The appellant has indicated that this lawful extension would be implemented in the event that permission is not granted for the replacement dwelling and a Statutory Declaration has been provided to this effect. I am satisfied that, should the appeal proposal not succeed there would be good possibility of the extension being constructed. The fallback position is therefore a material consideration to which I have given considerable weight.

10. In the event that the single storey extension was to be implemented the proposed replacement dwelling would amount to an approximate 9 or 10% increase over the extended dwellinghouse (the parties differ slightly in their calculation in this respect though I do not consider the difference to be significant).
11. The lawful extension would be single storey and it would increase the footprint of the existing dwelling. However, whilst the footprint would be less, the replacement building would still be larger and higher than the existing dwelling along with the proposed extension. I consider that the overall massing of the replacement building would still be marginally greater than the extended dwellinghouse. Therefore, I do not consider that it can be reasonably argued that the proposal would result in a beneficial effect upon Green Belt openness in comparison with the existing dwelling, even taking account of the fallback position.
12. I note that there are some differences in my approach in dealing with the fallback position in comparison with the Inspector determining the appeal at *Upper Lodge*¹. However, in that case the site was not in the Green Belt so the Inspector did not need to deal with the question of whether or not the proposal amounted to inappropriate development in the Green Belt. In both cases, however, weight has been given to the fallback position. I also note that at *Upper Lodge* the Inspector considered that the proposal would have less of an impact than the fallback position, in contrast to my findings in the current appeal.
13. As noted above there is a substantial screening between the site and Farnham Road. The finished floor level of the proposal would also be lower than the level of the road and the design has sought to limit the visual impact of those parts closest to the road. However, whilst this means that the proposal would not be prominent in views from the road it makes little difference to the overall impact of the development upon Green Belt openness. I also acknowledge that the bulk would be reduced when viewed from the east and west, although I consider that it would be increased when viewed from the north and south. I have given moderate weight to these factors.
14. The appellant draws attention to schemes at 33 and 35 Crooksbury Road. At No.33 the proposal was found to be appropriate in the Green Belt, in contrast to my findings on the current appeal proposal. For the reasons set out earlier in my decision I consider the correct approach is not to take account of the fallback position in determining whether or not a replacement dwelling is appropriate development. In the case of No.35 the appeal decision² relates to a proposal for extensions rather than a replacement dwelling and therefore the policy criteria used to determine the scheme were different (the Inspector confirms that the appeal was considered on this basis). I also note that the Council's approval of a replacement dwelling at the same site was made taking into account the particular circumstances of the case which do not appear to be directly comparable with the current appeal. I have therefore given these other permissions at different sites little weight. In any case, I have considered the current scheme on its individual merits and circumstances against the relevant policy background.

¹ APP/R3650/D/16/3158268

² APP/R3650/D/13/2194966

15. Both the Council and I are satisfied that the design of the proposal would not be detrimental to the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value. However, such considerations are not the same as the relevant Green Belt policy considerations.

Planning Balance and Conclusion

16. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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. I have not identified any other harm, aside from Green Belt harm.
17. I have concluded that the proposal would be inappropriate development in the Green Belt and therefore, by definition, would be harmful to the Green Belt. Although I have found that the proposal would result in only modest harm to the openness of the Green Belt I have given this substantial weight in accordance with paragraph 88 of the Framework.
18. I have found that the effect of the proposed replacement dwellinghouse upon the openness of the Green Belt would be greater than the effect of the fallback position comprising the existing house with the lawful proposed extension. Consequently, there would be no clear benefits in terms of Green Belt harm arising should the appeal scheme be implemented rather than the fallback position.
19. I conclude that the other considerations including the fallback position, either individually or cumulatively do not clearly outweigh the harm to the Green Belt. I do not therefore consider that very special circumstances exist to justify the proposed development in this case.
20. The proposal would therefore be contrary to the relevant Green Belt aims of policies C1 and RD2A of the Waverley Borough Local Plan 2002, policy FNP10 of the Farnham Neighbourhood Plan and the Framework. I also note that the Council refers to policy RE2 of the emerging Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites 2016. However, as this is still in the examination process it currently carries limited weight. In any case, it does not alter my conclusions on the merits of this appeal.
21. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR