
Appeal Decision

Site visit made on 7 February 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/Y3615/D/16/3165815
Hoe House, Franksfield, Peaslake, GU5 9SR

- 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 and Mrs Perl against the decision of Guildford Borough Council.
 - The application Ref 16/P/01542, dated 30 June 2016, was refused by notice dated 17 October 2016.
 - The development proposed is demolition and replacement of existing stable building to provide garaging for cars with first floor office..
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have taken the application description given above from the planning application forms. For although it differs from that on the decision notice there is no indication that the change was agreed.

Main Issues

3. The main issues in this appeal are: **first**, whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan; **second**, its effect on the openness of the Green Belt; **third**, its effect on the character and appearance of the surrounding area within the Surrey Hills Area of Outstanding Natural Beauty (AONB); and **fourth**, whether harm through inappropriateness or any other harm would be clearly outweighed by very special circumstances.

Reasons

Whether inappropriate development

4. The proposed garaging would replace a listed stable building and store which lie within the substantial grounds of Hoe House. It would be linked to an existing building that is detached from the house. The site is located in the Green Belt in an attractive rural area in which lies some widely scattered housing.
5. The stables and store combined have a floor area of approximately 186m². The proposed development would have floor area of around 305/311m². Most of

that provision would be at ground floor level and with approximately 38m² of the floor space being provided at first-floor level. The percentage increase in floor space would be in the region of 65%. In arriving at this figure I have taken into account the fact that the appellant provides two different sets of figures for the floorspace of the proposed building. I have used those that broadly accord with those set out by the Council as the appellants do not contest the Council's case in this regard.

6. It has long been, and remains, Government Policy to attach great importance to Green Belts and to protect their essential characteristics of openness and permanence. Inappropriate development is regarded, by definition, as harmful to the Green Belt and should not be permitted except in very special circumstances.
7. The Guildford Borough Local Plan (LP) (2003) says that new building will be deemed inappropriate in the Green Belt unless it is for certain specified purposes. Those purposes include the limited extension of existing dwellings provided it is in accordance with LP Policy H9. This says that there will be a presumption against extensions to dwellings which result in disproportionate additions taking into account the size of the original dwelling. Explanatory text says that applications for garages or domestic outbuildings will be considered as an extension to the dwelling for the purposes of this Policy.
8. The Framework also says that the construction of new buildings is inappropriate in the Green Belt other than in certain listed exceptions. Those exceptions differ slightly from those given in the LP. It is rather more permissive in that it allows for the extension or alteration of a building, and not just a dwelling, provided that it does not result in disproportionate additions over and above the size of the original building. The Framework also allows, as an exception, the replacement of buildings provided the new building is in the same use and not materially larger than the one it replaces. As the LP of 2003 (saved by direction in 2007) pre-dates the Framework I attach greater weight to the more up-to-date wording of this later document.
9. Assessing the proposal against the Framework it could be regarded as the replacement of a building in the same use given that stables and garages would both be an ancillary use to the main house. However, a 65% increase in floor space is substantial and in addition the proposed building would be notably taller than the buildings it would replace. Thus the new building would be materially larger than the one it would replace. Thus on this exception the proposal would be inappropriate development in the Green Belt. Applying the other exception, an extension to a building, development of the size proposed would, in my view, be a disproportionate addition over and above the building to which it would be attached. No evidence has been provided to the contrary.
10. The appellant contends that as a proposal for a garage the proposed development should, in accordance with LP Policy H9, be regarded as an extension to a dwelling. However, whilst such an approach would comply with the LP no such provision would apply in the Framework, to which greater weight is attached. And in any event even were less weight placed on the Framework the appellants' contention does not support their case. For, even on such a view it would be necessary to show under Policy H9 that the proposed development would not be a disproportionate addition taking into

account the size of the original dwelling. I have been given no evidence on the size of the original dwelling that would enable such an assessment to be made.

11. I conclude, therefore, that the proposal would be inappropriate development in the Green Belt contrary to the provisions of the Framework and the development plan.
12. In arriving at this conclusion I have taken into account the decision on appeal APP/Y3615/A/13/2210849 to allow an appeal for the replacement of the existing stables and store by a new stable block. In this case the Inspector found that this would not be inappropriate development in the Green Belt. However, in that case the proposal was considered as falling within a different exception, the provision of appropriate facilities for outdoor sport and outdoor recreation. However, although stables may fall within this exception garages would not and the appellant is making no claim to the contrary. In addition in concluding that the proposal was inappropriate development the Inspector had regard to the fact that it would appear subordinate and ancillary to the main house. This is not a relevant consideration in determining whether or not the proposal before me would or would not be inappropriate development.

Green Belt openness

13. Through being materially larger than the buildings it would replace the proposed development would have an adverse impact on the openness of the Green Belt. The degree of harm would be relatively small given the scale of the development, the location nearby of the main house and other curtilage buildings and the fact that it would be well screened. However, some harm in this regard would arise.
14. It is concluded that the proposed development would have, an albeit small, detrimental effect on the openness of the Green Belt.

Character and appearance

15. The proposed development is in attractive, undulating and well wooded countryside. The proposed garages would be well screened by existing development in the grounds of the main house, trees and substantial shrubbery. They would accord with the design of the existing house. As such I conclude on this issue that there would be no conflict with the requirement in the Framework that great weight should be given to conserving landscape and scenic beauty in AONBs. I conclude accordingly on this issue. There would be no conflict with LP Policy RE5 which gives the same protection to the AONB as the Framework.

Other considerations

16. The appellant makes no specific reference to any other considerations that may comprise very special circumstances to clearly outweigh the harm through inappropriateness and any other harm. However, some matters in support of the proposal are raised. It is said that it would make more efficient use of the site. However, any benefit thereby arising would not outweigh the harm. It is also said that the proposal would replace 2 utilitarian structures nearing the end of their useful life and remove built form further from a bridleway. However, so well screened are the existing buildings that any benefit thereby arising from improving the character and appearance of the area would be small. Reference is also made to the stables permitted in the earlier appeal

decision referred to above. However, even were that to be implemented it would result in a smaller structure than the proposal before me and thus have a lesser impact on the openness of the Green Belt. This is not a case where a fall-back position would exist which would be more harmful.

17. For the above reasons I find that the other considerations in this case do not clearly outweigh the harm I have identified. Thus the very special circumstances necessary to justify the development do not exist.

Conclusion

18. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR