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# Appeal Decision

Site visit made on 29 August 2017

**by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

**Decision date: 8<sup>th</sup> September 2017**

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**Appeal Ref: APP/Y3615/W/17/3176023**

**Vanecot, Malacca Farm, West Clandon GU4 7UG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Chris Lodge of Tunsgate Homes Ltd against the decision of Guildford Borough Council.
  - The application Ref 17/P/00535, dated 7 March 2017, was refused by notice dated 8 May 2017.
  - The development proposed is demolition of the existing dwelling and erection of a replacement dwelling.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application was in outline with only access, scale and layout to be determined at this stage. Matters relating to appearance and landscaping were reserved for future consideration. However, indicative elevations were presented. I have treated these as illustrative of a potential dwelling.

## Main Issue

3. The main issue is the effect of the replacement dwelling in relation to the Green Belt as follows:
  - Whether the proposed replacement dwelling is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
  - The effect of the development on the openness of the Green Belt;
  - 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 the replacement dwelling would be inappropriate development*

4. Malacca Farm is a private residential estate characterised by a variety of large detached dwellings. The area lies within the Green Belt, but outside any identified settlement area. Vanecot is a detached, mid-20<sup>th</sup> century, chalet bungalow set in a spacious plot. It has recently been extended with the addition of single storey extensions. A detached garage has also been constructed immediately to the north of the house.

5. The Government's approach to protecting the Green Belt is set out in Section 9 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the Framework makes it clear that new buildings are inappropriate in the Green Belt subject to a limited number of exceptions, two of which are relevant to this case. Firstly, a replacement building may not be inappropriate provided the new building is in the same use and not materially larger than the one it replaces. Secondly, an extension or alteration of a building may be acceptable provided that it does not result in disproportionate additions over and above the size of the original building.
6. Saved Policies RE2 and H6 of the Guildford Borough Local Plan are consistent with the approach set out in the Framework. Neither the Framework nor the development plan provides a definition of 'materially larger'. However, the Council takes such matters as size, scale, design, materials and character into consideration. As this is an outline application, matters relating to the floor area, volume and height that affect scale are pertinent to my assessment of the proposal.
7. The existing dwelling has been significantly extended, making use of permitted development rights. Whilst these extensions may not be disproportionate, the existing dwelling is already materially larger than the original. The parties agree that the existing habitable floor area is just over 400 sq.m and the proposal would increase this to just under 460 sq.m. This would be an increase of just over 13%.
8. The overall footprint of the building would be somewhat reduced. However, in order to provide the additional floor area, the replacement dwelling would be two storeys. It would have considerably more habitable floor area at first floor level than the existing chalet bungalow. It would therefore be more bulky and its overall volume would be significantly increased. The existing dwelling has a volume of just under 1240cu.m; whereas the proposal would have approaching 1520cu.m. The volume of the proposal would therefore increase by just over 22%. The increased volume of the replacement dwelling may not be disproportionate when compared with the existing house. However, the test of proportionality applies to the assessment of an extension, not a replacement building.
9. The main ridge would be 7.1m high, an increase of 0.9m. However, from the illustrative drawings it seems that this limited increase in the height could only be achieved through the introduction of a section of crown roof. Whilst this would restrict the mass of the roof, it would not reduce the overall bulk of the replacement dwelling. As a consequence, the height and depth of the flank walls would be considerably larger than the existing ones. I accept that the height of the new building would be consistent with previously approved schemes and below the average of neighbouring properties. However, the requirements for a replacement building relate to the size of the existing one, not an alternative scheme or other properties in the locality.
10. To my mind, an increase of 13% in floor area which gives rise to a 22% increase in volume would result in a building that would be materially larger than the one it would replace. This would be the case regardless of the precise changes in its width and depth. Similarly, whilst increasing the height of the dwelling to reflect others in the locality might be acceptable, it would not be if it results in the new building being materially larger than the one it would replace.
11. Taking all these factors into account I conclude that the proposal would be inappropriate development in the Green Belt, contrary to national and local policy. This is a matter to which I attach substantial weight.

*Effect of the replacement dwelling on the openness of the Green Belt*

12. Paragraph 79 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development.
13. The proposal would increase both the floor area and the volume of built development on the site. This would result in a small loss of openness to the Green Belt. However, when considered in combination with the previously constructed extensions and the additional garage, this would amount to a cumulative loss of openness that would cause modest harm to the Green Belt.

*Other considerations*

14. The existing dwelling is situated outside a defined built-up area. The Courts<sup>1</sup> have ruled that residential gardens outside built-up areas are considered to be previously developed land (PDL). However, paragraph 89 of the Framework states that partial or complete redevelopment of such sites must not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. As I have found the proposal would adversely affect the openness of the Green Belt, the site's status as PDL is not a factor in the scheme's favour.
15. The appellant considers that as the appeal site is within a village setting, there is an inconsistency between Green Belt policy within the Local Plan and that set out in paragraph 86 of the Framework. However, decisions about village boundaries and those of the Green Belt are matters for the local plan process. It is my duty to assess the proposal having regard to the site's location outside a defined settlement area and in the Green Belt.

*The Green Belt Balance*

16. I have concluded that the replacement dwelling would be inappropriate development that would also cause modest harm to the openness of the Green Belt. This would be contrary to national and local policy to protect the Green Belt.
17. There are no other considerations in favour of the development that clearly outweigh the presumption against inappropriate development and the substantial weight that the Framework requires to be attached to any harm to the Green Belt. The very special circumstances necessary to justify the proposal do not, therefore, exist.

**Conclusion**

18. For the reasons set out above, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR

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<sup>1</sup> Dartford BC V SSCLG (2017) EWCA Civ 141