



Appeal Decision

Site visit made on 15 April 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/R3650/D/19/3220236

Hambledon Park, Vann Lane, Hambledon, Godalming GU8 4DY

- 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 Guy La Costa against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1105, dated 25 April 2018, was refused by notice dated 2 November 2018.
 - The development proposed is Erection of Gates and Piers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt; and
 - if the proposal is inappropriate development, 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 proposal.

Reasons

Whether the proposed development is inappropriate development

3. The appeal site comprises one of the entrances to a residential property (accessed via long driveway) currently comprising an evergreen hedge and an agricultural five bar timber gate. The proposal is construct a pair of wooden gates flanked by stone piers, in addition to a pedestrian gate, two curved stretches of timber and stone walls, and a further two stone piers. The new entrance feature would be approximately 17.7 metres wide overall (although due to the curved design the overall length of the wall and gates would be greater), and 2.5-3.5 metres high.

4. The site is located in the Green Belt and Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (the "Local Plan") states that the Green Belt will continue to be protected from inappropriate development, and that new development will be considered inappropriate unless very special circumstances can be demonstrated.
5. Paragraph 145 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt unless the building falls within one of the listed exceptions which do not explicitly include the construction of walls and gates. Paragraph 146 of the Framework outlines other forms of development which are not inappropriate.
6. The definition of a "building" in section 336 of the Town and Country Planning Act 1990 includes any structure or erection, and therefore I consider the proposal to be for the construction of a "building". However, I do not consider it to fall within any of the listed exceptions within paragraph 145. Even if I were to accept that appellant's case that it could be considered to be a replacement building, its size and form mean that it would be materially larger than the "building" it would replace. Its position relative to the dwelling means that I consider that it cannot be said to be an extension or alteration to the dwelling and the alterations would be disproportionate to the "building" itself. I do not consider the proposal to be an engineering operation and therefore none of the exceptions listed in paragraph 146 apply in this case.
7. Taking the above matters into consideration, I conclude that the proposal would be inappropriate development in the Green Belt and would be contrary to the relevant paragraphs of the Framework and Policy RE2 of the Local Plan.

Openness

8. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. The proposed development would result in a significant structure within the Green Belt, would be excessively tall, and would be significantly larger and more solid than the existing gate, resulting in reduced openness.
9. There would be spaces between the timber "tines" or pickets of the proposed wall allowing some views through to the proposed hedge behind, and the proposed wall would be partially screened on one side by the same hedge. There is an existing evergreen hedge with a dense, solid appearance which would be removed. However, the visual appearance of the proposed structure would be different to that of a hedge, with a more solid and formal appearance. As a result, the proposed gates, piers and walls would have a greater impact on the openness of the Green Belt than the existing gate and hedge, and would result in moderate harm to the openness of the Green Belt.

Other Considerations

10. The appellant has advised that the proposal is an alternative to a set of gates which were previously granted permission. However, I do not have the full details of that permission, although there is a diagram within the appellant's statement and drawings no.002 (dated 3rd November 2006) and no.005 (dated 29th November 2006) which show that the proposal would be materially larger than the gates previously approved. Consequently I consider that the fallback would be less harmful than the proposal and give it limited weight.

11. The appellant has also drawn my attention to a number of other cases, including those at Nutbourne Park, Combe Court, Hambledon House, and Rockwood Hall & Lodge. However, these cases are in different locations and I am not aware of their full circumstances and I therefore attach limited weight to them. In any event, I must determine the proposal before me on its own merits.
12. I am advised that burglaries have occurred at the site recently which involved removing property and garden machinery from the site. However, I am not aware of the specific circumstances of those crimes, in particular whether other alternative measures to the proposal could have been put in place to reduce the risk of crime without harm to the Green Belt. I am not convinced that the proposal is the only way of minimising the risk of crime and I therefore give limited weight to this consideration.
13. The fact that there were no objections from interested parties to the proposal and that there are no objections to it with regard to archaeology, trees or residential amenity are neutral factors that neither weigh in favour nor against the proposal.

Other Matters

14. The appeal site is located adjacent to the Hambledon Conservation Area and is within the Surry Hills AONB and AGLV. The Council considers that the impact of the proposal on these areas is acceptable and having regard to the position, scale and appearance of the proposed entrance feature, I have no reason to disagree with its findings and am satisfied that there would be no adverse impact on the conservation area, AONB or AGLV.

Conclusion

15. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and very special circumstances 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.
16. The proposal is inappropriate development and it would lead to moderate harm to the openness of the Green Belt.
17. I attach limited weight to the security benefits of the proposal. However, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
18. The proposal would conflict with Local Plan Policy RE2 and the provisions of the Framework and having regard to all matters raised, I conclude that the appeal should be dismissed.

Jan Słominski

INSPECTOR