
Appeal Decision

Site visit made on 21 May 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/Y3615/W/18/3219288

Spinney Stables, Land to the east of Outdowns Lodge, Outdowns, Effingham KT24 5QN

- 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 Ms Sumi Wang against the decision of Guildford Borough Council.
 - The application Ref 18/P/02025, dated 19 October 2018, was refused by notice dated 14 December 2018.
 - The development proposed is described as "Planning application for the erection of 1x4 bed dwellinghouse with hard and soft landscaping and refuse storage".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Guildford Borough Council against Ms Sumi Wang. This application is the subject of a separate Decision.

Procedural Matter

3. Since the refusal of planning permission, the Council adopted the Guildford Borough Local Plan (Strategy and Sites) on 25 April 2019 and has confirmed that the policy of the Guildford Borough Local Plan (2003), as referred to in the reason for refusal, has been superseded. The relevant policy of the new plan is also referred to in the reason for refusal and, as such, the appellant has had the opportunity to comment on it. I have considered the now adopted policy when making my decision.

Main Issues

4. The main issues raised in this case are:
 - Whether or not the proposal is inappropriate development in 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 development.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

5. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at paragraph 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development, is listed as one exception.
6. To the southern edge of the site lies a stable block, which appeared to be unused, with a small area of concrete to the front. Beyond this lies a compound, enclosed by hedging, which appeared to have a gravel surface. However, much of this compound was overgrown at the time of my visit. Whilst this showed that the site was in the process of being assimilated into the landscape, currently the surfaced compound is still evident. Consequently, the area of the compound enclosed by the hedging, within which it is proposed to locate the dwelling, can, in my view, be considered to comply with the definition of previously developed land, as provided in the Framework. Outside of the enclosed compound, the site has a distinctly rural character, with areas of trees interspersed with small clearings.
7. Paragraph 133 of the Framework indicates that openness and permanence are the essential characteristics of the Green Belt. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The existing stable building is located in a corner of the site against its boundaries; given its limited height it has little effect on the openness of the site. The submitted plans assert that its floor area is 52 square metres (m²).
8. However, the proposal would result in a substantially larger building within the site. The submitted details show this would have a floor area of 161 m², considerably in excess of that of the existing stable building. Whilst the number of dwellings has been reduced from a previous proposal and appeal¹ at the site, the spread of the building over the site would be greater than at present. I am also conscious the scheme includes a vehicular entrance at the highway, access drive and bin store, which would add further development at this location. Furthermore, there is likely to be paraphernalia that would be associated with a residential use, which would also diminish the openness of the site. Consequently, whilst I note the single storey height of the proposal and the use of green roofs, I find that the development would result in an increased quantum of development at the site and would not preserve, but would have a considerable negative effect on, the openness of the Green Belt at this location.
9. The scheme would therefore comprise inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Other considerations

10. There is reference within the appellants documents to the frequent use of the site for fly tipping; this is supported by photographs and comments from neighbouring occupiers. I also noted at the time of my visit that there were several areas within the compound where materials had been deposited. Whilst I understand that this

¹ Ref APP/Y3615/W/17/3192144

would be distressing for the owner of the site, and for neighbouring occupiers, it would be possible to secure the site to prevent unauthorised access and as such, this matter adds little to justify the development.

11. There is also reference to the unauthorised occupation of the site by Gypsy Travellers. As above, it would be possible to secure the site in order to ensure that unauthorised access would not be achievable. Thus, this matter also adds little in terms of justification for the development.
12. I note that no objection is raised on the basis of the effect of the proposal in terms of its visual impact, effect on a nearby Area of Outstanding Natural Beauty and Area of Great Local Value, effect on neighbouring amenity or on highway safety. However, the lack of harm in these respects is a neutral consideration that does not add weight to allowing the appeal.

Other Matters

13. There is reference by the appellant of a lack of co-operation on the part of the Council. This is not related to the merits of the scheme before me and is a matter between the parties.
14. The appellant states that the Council is unable to demonstrate a five-year supply of deliverable housing sites. However, even if this was the case, paragraph 11(d)(i) of the National Planning Policy Framework (the Framework) indicates that the relevant policies of the development plan will not be out-of-date where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. These include policies in relation to Green Belts. As such, the provisions of paragraph 11 of the Framework are not a reason for granting permission in this case.

Planning Balance

15. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
16. I have had regard to the other considerations above. However, these, individually or when considered together, are not sufficient to amount to the very special circumstances necessary to justify the development.

Conclusion

17. Thus, the proposal would be contrary to the requirements of the Framework and would conflict with Policy P2 of the Guildford Borough Local Plan (Strategy and Sites) (2019) as well as Policy ENP-G1 of the Effingham Neighbourhood Plan (2018), which require that proposals be in accordance with the Framework's provisions.
18. Therefore, for the reasons given and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR