
Appeal Decision

Site visit made on 10 September 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/K3605/W/19/3225402

The Weybridge Health Club, Walton Lane, Weybridge KT13 8QA

- 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 Steve Hancock of The Bannatyne Group against the decision of Elmbridge Borough Council.
 - The application Ref 2017/4103, dated 19 December 2017, was refused by notice dated 8 January 2019.
 - The development proposed is extension and alterations to existing health club.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A Bat Survey by Seasons Ecology (September 2017 and May 2019) was submitted as part of the appeal, in addition to the one provided during the application. While not before the Council at the application stage, they and the Surrey Bat Group have had the opportunity to comment. It provides additional information. However, it does not fundamentally change the scheme and the overall design and position of the scheme has not altered from that originally submitted and upon which consultation took place. Against this backdrop, no injustice would be caused to any appeal party or third party if I were to take this document into account. I have considered the appeal on that basis.

Main Issues

3. The main issues of the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect of the proposal on biodiversity; and
 - 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

4. Policy DM18 of the Elmbridge Local Plan Development Management Plan (LP) sets out the circumstances where the development of existing buildings in the Green Belt is acceptable. One of these exceptions is extensions and alterations to a building provided they do not result in disproportionate additions over and above the size of the original building, either individually or cumulatively. It states that support will be given to proposals that do not have a materially greater impact on the openness of the Green Belt. It goes on to outline that developments should be well designed to respond to the context of the site and the character of the area, do not result in an increase in footprint or volume beyond 25% and do not materially increase the overall height of the building.
5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings, other than in connection with a small number of exceptions set out in paragraphs 145 and 146, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework has a similar exception for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. No definition of disproportionate is given in the Framework. Both the Framework and LP define the 'original building' as being as it was on 1 July 1948.
7. No definitive information has been provided of the height of the original building. The proposal includes a two-storey studio extension that has the same eaves height as the part of the existing building it would adjoin. However, while the tiled part of the roof may terminate at a lower point, the maximum height of the extension would be noticeably greater than the existing buildings at the appeal site, including the former farmhouse and the roof structure would be a bulky feature. Therefore, this extension would materially increase the overall height of the building and be a disproportionate addition.
8. Parties have disputed whether the proposal would result in an increase beyond the volume and footprint limits set in Policy DM18 of the LP. In the absence of agreement over the figures I cannot be sure whether the scheme would meet the 25% limit in the policy. In any event, even if I were to agree with the appellant's figures for the existing and proposed footprint, this would not alter my findings in relation to the height of the studio extension and the scheme would still represent a disproportionate addition.
9. Therefore, when judged against the wording of national and local policy the proposal would be inappropriate development in the Green Belt which, according to the Framework is harmful by definition. It would conflict with Policy DM18 of the LP and the Framework.

Effect on the openness of the Green Belt

10. The Framework indicates that openness is an essential characteristic of the Green Belt. While there are existing structures at the site, it is of a lesser overall scale, height and mass than is proposed. As such, the introduction of a

larger building would have a greater impact on the openness of the Green Belt in spatial terms than the existing development.

11. There are no immediately adjacent properties to the appeal site and the two storey studio extension would be set at the rear corner of the building. Moreover, from many views the extensions would be well screened by existing landscaping. Nevertheless, the proposed extensions would be visible, at least in glimpsed views, from the equestrian centre and the entrance to the site through and above the vegetation.
12. In both spatial and visual terms, the proposal would have a greater impact on the openness of the Green Belt than the existing development. While the harm would be small, this would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness.

Ecology

13. The Planning Practice Guidance indicates that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
14. The Bat Survey by Seasons Ecology (September 2017 and May 2019) comprised preliminary roost assessments (internal and external) and emergence surveys. The most recent survey states that the site may be used as a summer roost by a low number of common pipistrelles. It recommends that further surveys be undertaken to confirm the presence of roosting bats and that a licence may be required.
15. Without the additional surveys highlighted in those already provided it is simply not known whether protected species are present and, if there are, whether or what mitigation measures would be appropriate. There is a further question concerning the implementation of any such measures. Given this degree of uncertainty, the use of conditions would not be reasonable in this case.
16. The absence of sufficient information means that I cannot rule out potentially significant harm to biodiversity. As such, the scheme would be contrary to Policy CS15 of the Elmbridge Borough Council Local Development Framework Core Strategy (CS) where it seeks to avoid loss of biodiversity. It would also fail to accord with Policy DM21 of the LP where it aims to preserve, manage and where possible enhance existing habitats and protected species.
17. Finally, it would be contrary to the Framework where it states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

Other Considerations

18. It has been put to me that the club was at risk of decline prior to being purchased by the appellant. The scheme would involve significant investment in the club providing guest-related enhancements and back of house improvements to ensure the smooth running of the club. However, it has not been demonstrated that this proposal is the only means of achieving this. Therefore, I afford it limited weight.

Conclusion

19. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt and harm to biodiversity. 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 development do not exist. The proposal would be contrary to Policies DM18 and DM21 of the LP and Policy CS15 of the CS and the Framework.
20. Therefore, for the reasons given I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR