
Appeal Decision

Site visit made on 23 October 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2019

Appeal Ref: APP/R3650/3234592

Mid Trees, Petworth Road, Lythe Hill, Haslemere, Surrey GU27 3AX

- 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 Joseph Griffiths against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0495, dated 26 February 2019, was refused by notice dated 28 May 2019.
 - The development proposed is to construct an extension to the existing garage in order to enclose the fuel/oil tank and generator serving the heating system.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The extension has already been erected, therefore I am considering this appeal retrospectively.

Main Issues

3. The main issues are:
 - a) Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - b) The effect of the development on the openness of the Green Belt; and,
 - c) If the development is inappropriate, whether the harm by reason of inappropriateness, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the extension is inappropriate development within the Green Belt

4. Mid Trees is an extensive dwelling occupying a large site in the Metropolitan Green Belt to the east of Haslemere. The dwelling was originally built in the 1960s and has subsequently been altered and extended following the grant of planning permission in 1995. The development permitted by this permission increased the floor area of the original dwelling by about 320 square metres.

The extension that is the subject of this appeal has added approximately 40 square metres more.

5. 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 145 of the Framework makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of the exceptions is an extension to an existing building, provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (the Local Plan) is consistent with the Framework's approach to inappropriate development in the Green Belt. Saved Policy RD2 of the Waverley Borough Local Plan (2002) (the Saved Local Plan) clarifies the Council's approach to determining what amounts to disproportionate additions. Under this Policy, a proposal which individually or cumulatively increases the floorspace of the dwelling, as it existed on 31 December 1968, by more than 40% will be likely to be considered as inappropriate.
7. The Council considers that the extensions added in the 1990s have already resulted in disproportionate additions over and above the size of the original building. This is not contested by the appellant. As the current proposal would add further floorspace, I conclude that the extension would be inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 144 of the Framework, this is a matter to which I attach substantial weight.

The effect of the development on the openness of the Green Belt

8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl, by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
9. The openness of the Green Belt is clearly evident around the dwelling, which sits in an otherwise undeveloped grassy enclave surrounded by woodland. The proposed extension has increased the footprint of the building and extended the built form of the dwelling in a north-westerly direction by just over six metres. Although surrounded by woodland, the dwelling and extension are visible, through the boundary trees, from the track that runs to the north of the appeal site. The loss of openness that is directly attributable to the appeal scheme is not great in itself, but it has added to the overall bulk and extent of the building. However, bearing in mind its reasonably modest additional mass, relative to the overall volume of the dwelling, and the fact that it is not prominently located, the harm to the openness of the Green Belt is limited.

Other considerations

10. The appeal site lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the Framework says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Given its modest scale, lack of prominence, harmonious design, and the use of matching materials, the extension would not have a harmful impact on the appearance of the wider AONB.

11. I acknowledge that the oil tank and generator need to be securely enclosed. However, I saw that the extension is far larger than is necessary for this purpose alone. I therefore attach little weight to this benefit in my overall assessment of the extension that has been built.
12. The appellant argues that a similarly sized detached building could have been erected as permitted development under Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. An application has been made to the Council under Section 192 of the Act to establish the lawfulness of such a proposal. However, at the time of my visit, the application had not been determined. There is currently, therefore, no formally established fallback position. If I were minded to allow the appeal, it would be open to me to impose a condition removing permitted development rights for outbuildings. However, there is no evidence before me to indicate that there is a viable fallback position that would justify me allowing an appeal for inappropriate development in the Green Belt.

The Green Belt balance

13. I have concluded that the extension is inappropriate development that conflicts with national and local policy to protect the Green Belt. However, I have found that the development only results in limited harm to the openness of the Green Belt. I have concluded that the extension is not harmful to the landscape and scenic beauty of the wider AONB. However, the absence of harm in this respect does not amount to very special circumstances.
14. There are no other considerations in favour of the development that clearly outweigh the presumption against inappropriate development in the Green Belt and the substantial weight that the Framework requires to be attached to such harm. The very special circumstances necessary to justify the proposal do not, therefore, exist. Consequently, the proposal would be contrary to Policies RE2 of the Local Plan and RD2 of the Saved Local Plan, which seek to protect the Green Belt from inappropriate development.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR