
Appeal Decision

Site visit made on 20 November 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2019

Appeal Ref: APP/Y3615/D/19/3235971

Mulberry House, Burrows Lane, Gomshall GU5 9QE

- 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 Simon Percival against the decision of Guildford Borough Council.
 - The application Ref 19/P/00716, dated 21 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is a timber framed garage with storage area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site falls within the Metropolitan Green Belt. Accordingly, the main issues are:
 - Whether or not the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the development on the openness of the Green Belt; 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

3. The appeal site is a detached dwelling situated to the south of Gomshall. There are residential dwellings to either side although generally the pattern of development is looseknit, with open land to the east, contributing to a generally rural and verdant character. The site falls within an Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).
4. The appeal proposal seeks to erect a barn-style detached garage within the front garden of the dwelling on an area of existing hardstanding, with a ridge height of approximately 4 metres.

Whether Inappropriate Development in the Green Belt

5. The National Planning Policy Framework (the Framework) states in paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions.
6. Given the proposed position of the building, there is no physical, and very little visual, relationship between the proposed building and the dwelling. As such I consider that it could not be regarded as a normal domestic adjunct or extension to the dwelling.
7. The appellant contends that the proposal would fall under exception b) of Paragraph 145 although this exception relates to outdoor sport, recreation, cemeteries, burial grounds and allotments. As such I consider that the development is not covered by this exception, or the others specified within the Framework or the development plan. Consequently, it would be inappropriate development.

Openness

8. Openness can be defined as an absence of built form. The proposed building would be setback from the site frontage and obscured to some degree by the topography and existing vegetative enclosure to the front. Although I acknowledge that the dwelling falls within a row of dwellings fronting onto Burrows Lane, the openness of the Green Belt is evident. Although the loss of openness directly attributable to the appeal development would not be significant in itself, it would add further to built development in this generally open context and diminish the openness of the Green Belt to at least some degree.

Other Considerations

9. The appellant indicates that the design, materials and siting of the building would not be disproportionate and appear appropriate within the site, being subordinate to existing development, and would therefore respect its context. The appellant also indicates that the proposal would not result in the direct loss of hedges or trees within the site; detriment to neighbour's living conditions; and that the proposals would not appear overly prominent assimilating within the local landscape designated as an AONB and AGLV. These factors are however to be expected in such situations and are to my mind neutral in the planning balance.
10. My attention has been drawn to a potential fall-back position by virtue of a Lawful Development Certificate that would allow the construction of a three-bay garage within the rear garden and that required landscaping works could be easily undertaken. The appellant indicates that this fallback development would be more visible from the Public Right of Way to the rear and would likely have a greater impact upon the Green Belt compared to the appeal proposal.
11. However, if such permitted development was to be built there can be no guarantee that it would only be in the event that the appeal was to be dismissed. If I were to allow the appeal, it might be the case that such permitted development could potentially be built prior to or alongside the appeal development. I am mindful that a condition could theoretically be imposed to prevent such an eventuality. However, such a condition would only take effect once the planning permission that is the subject of this appeal had

commenced. There would therefore be nothing to prevent the three-bay garage being constructed prior to this. It follows therefore that the option of the fall-back position cannot be afforded any considerable weight in the overall planning balance.

12. In addition, I have taken into account the appellant's contention that other nearby dwellings have erected similar structures in the past. While I have taken other development into account in terms of its effect on the appeal development's context, I am not aware of all the circumstances of those other schemes. In any event all proposals for development must be determined on their individual merits and as such I attribute this limited weight in the planning balance.
13. I have had regard to the appellants' concerns regarding the manner in which the Council have arrived at their decision on this development and previous planning history at the site. Whilst noting these matters, I have considered the proposal on its merits and afford this minimal weight.
14. The appellant also contends that the building would provide benefits including provision of secured storage for bicycles and sheltered parking. I give these matters limited weight in favour of the proposed development.

Planning balance

15. The proposal would be inappropriate development in the Green Belt and would also harm its openness. The Framework makes clear in paragraph 144 that substantial weight should be given to such harm. There would also be conflict with policy P2 of the Guildford Borough Local Plan: strategy and sites (2019), which seeks to protect the Green Belt from inappropriate development and is in line with the aims of the Framework.
16. Against this has to be balanced the factors in favour of the proposal (other considerations) which I have found to cumulatively carry limited weight. Consequently, these considerations do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

Conclusion

17. Therefore, for all of the reasons given above I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR