



Appeal Decision

Site visit made on 19 November 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2020

Appeal Ref: APP/Y3615/D/19/3233698

Quince Cottage, Hoe Lane, Peaslake, Surrey GU5 9SW

- 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 & Mrs N. Boisseau against the decision of Guildford Borough Council.
 - The application Ref 19/P/00834, dated 9 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is a replacement garden annexe.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is located within the Green Belt. Accordingly, the main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - if the proposal would be 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 it.

Reasons for the Recommendation

Whether Inappropriate Development

4. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this, as set out in paragraph 145 of the Framework. The one relevant to this case is (d) which is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy P2 of

the Guildford borough Local Plan: strategy and sites (2015 – 2034) (adopted 25 April 2019) ('Local Plan') also provides that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework.

5. Calculations provided by the Council, which have not been disputed by the appellants, show that the appeal proposal would create an increase in floor area of approximately 70%, over and above the size of the building to be replaced. Whilst the existing building has a floor area of approximately 14sq.m, with the proposal increasing this to approximately 24sq.m, this percentage increase in size over the building to be replaced is substantial. Additionally, the height of the existing building is approximately 2.9m, and the proposal would increase this to approximately 4.5m (an increase in height of over 1.5m), which proportionately would be a significant increase.
6. Taking all of the above into account, it is clear that the replacement building would be materially larger than the one to be replaced. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy P2 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

7. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
8. The proposal would create a new building of increased size and additional mass compared to that which currently exists, and therefore the openness of the Green Belt would be reduced, both visually and spatially. I acknowledge that there would be a marginal increase in encroachment in terms of the built form footprint to plot size ratio, however this does not alter my findings in this regard. Notwithstanding that the impact to openness would be both limited and localised, harm would result to the Green Belt.

Other Considerations

9. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
10. I concur with the Council's assessment that the proposal would be acceptable in terms of its impact on the character of the existing dwelling and the surrounding area, and that the proposal would be small in scale and would not affect any significant views in the Area of Outstanding Natural Beauty (AONB) or the Area of Great Landscape Value (AGLV). These matters, which serve to maintain the character and appearance of the area and the views in the AONB and the AGLV, are neutral factors, which do not weigh in favour of the proposal.
11. The proposal would constitute a limited and modest intervention, that would result in minimal change, considering the overall size of the plot. Being single-

storey, the replacement building would be wholly subservient to the existing dwelling and would be appropriately located on site. The proposal would be heavily screened, due to both the substantial amount of tree cover which exists almost all around the site, and the built form of the existing dwelling and the adjoining property. The proposal would be barely perceptible when seen from Hoe Lane, due to the considerable set-back and the substantial hedging that exists at Quince Cottage. Nevertheless, these matters would merely assist in maintaining the current acceptable relationship that exists between the existing building and the surrounding area and the host property. As they do not weigh in favour of the proposal, they are also neutral factors.

Balancing of Considerations and whether very special circumstances exist

12. The proposal would be inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. Taken together, 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 development do not exist. Therefore, the proposal would not comply with the Green Belt aims of Policy P2 of the Local Plan.

Conclusion and Recommendation

13. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S M Holden

INSPECTOR