
Appeal Decision

Site visit made on 23 January 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/Y3615/W/19/3238475

Three Acre Barn, Guildford Road, Effingham KT24 5QQ

- 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 R McEntee against the decision of Guildford Borough Council.
 - The application Ref 19/P/01247, dated 15 July 2019, was refused by notice dated 12 September 2019.
 - The development proposed is erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework);
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - The effect on the character and appearance of the area; 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 located within the countryside on the north side of the A246 Guildford Road, west of Effingham village. The site contains a two-storey detached barn, with a detached single-storey stable building adjacent. The buildings are set back from, and at a lower ground level than, the road. Vehicular access is from Guildford Road via an access track leading to an area of hardstanding adjacent to the buildings. The remainder of the site, together with land to the east and south, is grassed and undeveloped. To the north and west there are scattered detached dwellings. The proposal is to replace the existing buildings with a detached, 3-bedroom chalet-style dwelling.

Whether Inappropriate Development in the Green Belt

5. The Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in Paragraph 145. These exceptions include 'd) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.
6. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (GBLP) conforms to the thrust of national Green Belt policy in these respects. Policy P2 also confirms that, in respect of replacement buildings, a new building will only constitute a "replacement" if it is sited on or in a position that substantially overlaps that of the original building, unless it can be clearly demonstrated that an alternative position would not increase the overall impact on the openness of the Green Belt. The proposed replacement building would be located in the same part of the site as the existing buildings in accordance with this criteria.
7. Both parties refer to the previous occupation of the two-storey building for residential purposes. I observed evidence of this during my site inspection, including internal room partitions and doors, bathroom and shower room fittings, plastered walls, internal staircase, and electrical sockets and light fittings. The main parties are agreed that the lawfulness of the previous residential use was not formally established, and that the residential use has ceased. I saw, during my site inspection, that the building is empty and is not in a habitable state.
8. The buildings are structurally sound and benefit from planning permission Ref 18/P/00209 for conversion into a two-bedroom dwelling, incorporating a single-storey glazed link extension. The Building Control inspection notes submitted with the appeal confirm that a start has been made on the development, by virtue of the excavation of a trench in connection with the approved extension.
9. As such, I find that the implementation of permission Ref 18/P/00209 is at a very early stage and a significant amount of work would need to be carried out before the residential occupation of the building commences. Hence, for the purposes of Paragraph 145 d) of the Framework, notwithstanding the approved use of the site for residential purposes by virtue of the aforementioned permission, the replacement building would not be in the same use as the buildings it would replace, since the approved residential occupation of the site has not yet taken place.
10. The appeal scheme would comprise a larger building than those to be replaced. The Framework contains no definition of "materially larger". Although the appellant asserts that a 50% increase in floor area above that of the original building is commonly used by many local authorities, GBLP Policy P2 contains no detailed guidance about the approach the Council will take in considering whether a replacement building is "materially larger" than the one it replaces. The Council has confirmed that the forthcoming Green Belt Supplementary Planning Document referred to in paragraph 4.3.20 of the GBLP has not yet been prepared, and that the Council does not agree to the appellant's suggested criterion of a 50% floor space increase.

11. The proposed increase in footprint of 44% and in total floor area of 43% above those of the existing buildings, together with an increased building height and bulk to accommodate first floor living accommodation across the whole of the new building, would, in my view, amount to a significant increase in building size above that of the existing buildings which would comprise a materially larger replacement building for the purposes of Paragraph 145 d) of the Framework.
12. For the above reasons, therefore, the proposal would be inappropriate development in the Green Belt, having regard to Policy P2 of the GBLP and Paragraph 145 of the Framework.

Effect on the Openness of the Green Belt

13. The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also states that one of the essential characteristics of Green Belts is their openness. Openness in terms of the Green Belt can have a spatial as well as a visual aspect, although the Supreme Court has recently held that a consideration of openness is essentially a matter for the decision maker on a case by case basis. The proposed dwelling would be in a similar position on the site as the buildings it would replace. Spatially, the aforementioned materially increased building size, incorporating significant increases to the building footprint, height and bulk above those of the existing buildings would inevitably lead to a loss of openness.
14. Visually, the existing buildings comprise a mix of single and two storey elements. These would be replaced by a single building incorporating first floor accommodation throughout, with no variation in building height and no subsidiary single storey element. The set-back position of the building from road, within the lower part of the site, together with its chalet design and backdrop of trees and vegetation, means that it would be partially screened within wider views of the site. However, it would still be visible from the Guildford Road, and these factors would not completely eliminate the visual impact on the Green Belt openness arising from the three-dimensional size increase over and above that of the buildings to be replaced. They do not affect the spatial impact of the development on Green Belt openness.
15. I therefore conclude that in both spatial and visual terms the proposal would have a moderate impact on the openness of the Green Belt. As such, the proposal would fail to safeguard the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Any Other Harm - Character and Appearance

16. The site lies within open countryside comprising fields bounded by trees and hedgerows, and some scattered, detached dwellings. The existing buildings, whilst in a poor state of repair, are obviously rural in appearance, with functional barn and stable designs reflecting their original purposes. They are visible in views from Guildford Road, but sit comfortably on the site without appearing unduly visually intrusive.

17. Whilst the long rectangular form of the proposed building, incorporating a large roof with cropped gable ends, has been designed to reflect a traditional barn form, I find that the proposed materials and fenestration detailing would be at odds with those of a traditional rural building. The large expanse of brick at ground floor level and on the side walls, and the bulky roof would be lacking in architectural detailing and articulation. The windows and doors would be distinctly domestic in design, size, proportions and positioning, and would not be typical of the style of fenestration typically found on rural buildings. The overall design is that of a chalet bungalow, typically found within an urban area.
18. Notwithstanding that there are a variety of dwelling designs within the site locality, the appellant has not demonstrated that the design of the appeal scheme is reflective of the local vernacular, and I am not persuaded that the building design is appropriate to its rural context. I find that the replacement of the existing rural buildings with a suburban-style dwelling would be out of keeping with, and detract from, the rural appearance of the site. The absence of an adopted Design Guide Supplementary Planning Document to support GBLP Policy D1, does not persuade me otherwise.
19. For these reasons, I conclude that the development would have a significant adverse impact on the character and appearance of the area. The appeal scheme would therefore be contrary to Policy D1 of the GBLP, saved Policy G5 of the Guildford Borough Local Plan 2003, and Policy ENP-G2 of the Effingham Neighbourhood Plan 2018, which, amongst other things, seek to ensure that new development is of a high quality design that responds to local character and conserves the essential rural character of the area, and that new buildings provide visual interest and a sense of place and identity and respect the traditional built form of the locality. For similar reasons, the proposal would be contrary to chapter 12 of the Framework which seeks to ensure high quality design.

Other Considerations

20. My attention has been drawn to the fallback position of the extant planning permission Ref 18/P/00209 for the conversion of the existing buildings into a dwelling, including a single storey link extension. Whilst this development has commenced, only a very limited amount of work has taken place and this was some time ago in May 2019. It is apparent from my site inspection and the Council's Building Control inspection notes, that a considerable amount of work will be required to make the existing buildings habitable. The appellant's Statement of Case confirms that the approved scheme involves highly constrained room and floor area layouts, and that the appellant seeks to adapt this to provide accommodation to better benefit the needs of a family. I therefore find that there is no guarantee that the extant scheme would be completed in the event that the appeal were to be dismissed.
21. Furthermore, the planning application Officer Report confirms that the appeal scheme would result in a larger building than that of the extant permission, both in respect of building footprint (about a 35% increase) and total floor area (approximately a 37% increase) in addition to providing a first floor of accommodation over the whole building instead of retaining a single storey element as per the extant scheme. Due to its increased footprint, height and massing above that of the extant scheme, the appeal scheme would have a

significantly greater impact on the openness of the Green Belt than the approved conversion and extension. For the above reasons, I afford limited weight to the fall-back position of the extant planning permission.

22. The appellant asserts that the appeal scheme has reduced the building bulk from that of previously refused schemes for the development of the site. However, I must determine this appeal on the merits of the proposal before me, and, I have already observed that the proposal would result in an increased building size over that of the extant permission. I therefore afford little weight to this matter.
23. The appellant has drawn my attention to the neighbouring replacement property at Kayos Cottage, where a greater percentage increase in floor area than that proposed in the appeal scheme was granted permission. The appellant considers that, in the interests of fairness, the appeal proposal should also be approved. However, the circumstances were different in respect of Kayos Cottage, in that the very special circumstances comprised an extant permission for a replacement dwelling, which the appeal Inspector noted, would be more harmful to the Green Belt and its openness than the appeal proposal, and which had a realistic prospect of being built, given the state of repair of the existing house. Furthermore, the assessment of development proposals in accordance with Policy P2 of the GBLP and Chapter 13 of the Framework do not require the character of surrounding properties to be taken into account. In any event, all proposals for development must be determined on their individual merits. Accordingly, I attach little weight to this matter.
24. I have taken account of the appellant's reason for requiring the proposal. Although I am sympathetic to the appellant's circumstances, bearing in mind the harm I have identified and associated policy conflict, and that the proposal is for permanent development, I afford limited weight to the appellant's family circumstances.
25. There would be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the construction and occupation of a new house. However, the provision of one additional unit would make a very small contribution to the supply of homes, and the Council has confirmed that it can demonstrate a five-year housing land supply. I therefore give this limited weight.

Other Matter

26. The site is within the 5-7km buffer zone of the Thames Basin Heaths Special Protection Area (SPA), which is a European designated site. In the context of this appeal the responsibility for assessing the effects of the proposal on the protected area therefore falls to me as the competent authority. However, as I have found the scheme is unacceptable for other reasons, there is no need for me to consider the implications of the proposal on the SPA.

Planning Balance and Conclusions

27. The appeal proposal would be inappropriate development in accordance with the terms set out in the Framework and GBLP. Furthermore, the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a moderate loss of openness to the Green Belt and harm to the character and appearance of the area.

28. As explained above, I give little or limited weight to each of the considerations cited in support of the proposal by the appellant. I conclude that, taken together, the substantial weight to be given to Green Belt harm and the harm caused to the character and appearance of the area, is not clearly outweighed by the other considerations, sufficient to amount to very special circumstances necessary to justify the development. The proposal would therefore be contrary to Policy P2 of the GBLP and Chapter 13 of the Framework.
29. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR