



Appeal Decision

Site visit made on 11 February 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/Y3615/W/19/3239863

The Jovial Sailor, Portsmouth Road, Ripley GU23 6EZ

- 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 Clive Price of Baron's Pubs Ltd against the decision of Guildford Borough Council.
 - The application Ref 19/P/01055, dated 7 June 2019, was refused by notice dated 6 August 2019.
 - The development proposed is the erection of 3no. dining barns and outside bottle bar.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On site I observed that the dining barns and the bottle barn are already in situ, and I made my assessment on that basis.

Main Issue

3. The main issue in relation to the Green Belt is:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - if there is harm by reason of inappropriateness, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

4. The Jovial Sailor is a recently renovated public house and its grounds fronting Portsmouth Road (the B2215) very near to the village of Ripley, within the Green Belt. The proposal seeks planning permission for three 'dining barns' which have been placed within the patio area to the rear of the pub, near to its main entrance, and a single storey bottle bar which extends from the pub's rear elevation nearby. The dining barns are modest timber structures with floor areas of less than 5m² and the bottle bar has a floor area of around 13m².
5. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to several exceptions, set out within Paragraphs 145 and 146. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites

2015-2034 (adopted 2019) (GBLP) seeks to protect Green Belt from inappropriate development in accordance with the Framework.

6. The site is previously developed land and the appellant considers the proposal to fall for consideration under exception g) of Paragraph 145 of the Framework. This, amongst other things, relates to the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, where the development would not have a greater impact on the openness of the Green Belt than the existing development.
7. However, to my mind the dining barns, ancillary as they are in use and form, and the bottle bar, as a subordinate extension, amount to the augmentation of the Jovial Sailor's offer as an established public house. As such, they do not constitute the redevelopment or limited infilling of the land, and the proposal is not therefore applicable to this exception¹. Moreover, the dining barns find no potential refuge in any of the other exceptions set out in the Framework.
8. The bottle bar does fall for consideration under exception c) of Paragraph 145, which relates to 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. Whilst the bottle bar is modest in size, it must be considered in combination with what is already on site. The Council has identified that the bottle bar has led to a significant 143.8% increase in floor area from the original building and I have no reason to disagree. It has therefore resulted in disproportionate additions over and above the size of the original building.
9. Consequently, the proposal is inappropriate development in the Green Belt, in conflict with Policy P2 of the GBLP and the Framework. The appellant has also referred to paragraph 5.39 of the Guildford Borough Local Plan 2003. However, this is supporting text to a policy regarding householder extensions in the Green Belt, and neither the policy nor its supporting text have been saved. It has therefore carried negligible weight in my assessment.

Openness

10. 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 permanence. Openness is the absence of development and has both spatial and visual dimensions.
11. Outside patio and garden seating areas have been laid out and a children's play area has been established in the area to the rear of the Jovial Sailor, which also contains part of the pub car park. This area is enclosed to the south and east by a substantial timber fence, and to the west by the pub building itself. Views from the B2215 are distant and filtered by parked cars. The area around the appeal site is quite developed and includes a nursery specialising in ancillary timber buildings. Within this context, the dining barns and the bottle bar have no material effect on the visual openness of the Green Belt in my view.
12. However, the patio and garden seating areas, and to a lesser extent the car park, are inherently open, communal spaces and together provide a perceptible degree of spatial openness. The proposal has eroded this to a modest extent, particularly the dining barns which, despite their small scale, are disruptively

¹ With full regard to the judgment handed down in *Euro Garages Ltd v SSCLG* [2018] EWHC 1753 (Admin)

sited in a somewhat centralised and prominent position. Given such, openness would not be preserved, contrary to the objectives of national and local policy.

Other Considerations

13. The dining barns and bottle bar have improved the Jovial Sailor's outdoor facilities. I don't doubt that they make a good first impression, enhance the customer experience and logically encourage return trips. The appellant describes the revenue generated by them as significant, and vital to the viability of the entire operation. However, there is no substantive evidence to that effect. There is also no clear evidence that the bottle bar is critical to attract patrons to use the outside space. Consequently, on the evidence before me, the scheme's contribution to the Jovial Sailor's viability is a consideration of modest weight in my assessment.
14. It follows that, although the proposal contributes to the success of the pub as a community asset and supports it in providing its optimal employment provision, these benefits also attract modest weight. The scheme contributes to the Jovial Sailor's licensing objectives. However, these objectives must be met in any event, and it is not demonstrated that the dining barns and bottle bar are essential to do so. This is therefore also a modest benefit of the proposal.
15. The absence of harm to the character and appearance of the area and the living conditions of neighbouring residents are neutral factors in my assessment, as is the absence of any objection to the scheme from interested parties. The appellant has pointed to potential support for the scheme under criterion a) of Policy E5 of the GBLP, which seeks to support the rural economy. However, this is predicated on proposals according with the other policies of the GBLP, particularly those pertaining to the Green Belt.

Green Belt Balance

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm by reason of inappropriateness is clearly outweighed by other considerations.
17. I have found that the proposal would be inappropriate development within the Green Belt, and it would also fail to preserve openness. These are harms to which the Framework requires me to attach substantial weight. The combined modest benefits that would arise from aiding the viability of the pub and supporting its roles as a community facility and an employer, and towards meeting its licensing objectives, would not clearly outweigh the harm I have identified to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

18. I therefore conclude that the proposal would conflict with the development plan and the Framework when taken as a whole. For this reason, the appeal should be dismissed.

Matthew Jones

INSPECTOR