



Appeal Decision

Site visit made on 11 March 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/Z3635/W/19/3243544

11 Gleneagles Close, Stanwell, Staines Upon Thames, TW19 7PD

- 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 Sumit Aurora against the decision of Spelthorne Borough Council.
 - The application Ref 19/00829/FUL, dated 13 June 2019, was refused by notice dated 9 August 2019.
 - The development proposed is a new semi-detached house adjacent to the existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the appeal site is within the Green Belt, the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appellant suggests that the appeal site does not lie within the Green Belt. Notwithstanding those submissions, the Council has provided compelling evidence to show that the side garden of the host property, forming the appeal site, has expanded beyond its original size and into the Green Belt. Having regard to the evidence before me from both parties, and my observations on my site visit, I consider that on the balance of probability much of the site is within the Green Belt and therefore the proposal would result in development within it.
4. The National Planning Policy Framework (the Framework) indicates at paragraph 145 that the construction of new buildings in the Green Belt is inappropriate development, but for a small number of exceptions. Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 (the Local Plan) also sets out categories of development which may be regarded as not inappropriate in the

Green Belt. As this policy is wholly consistent with the content of the Framework in this regard, I give the policy full weight, in line with the test at paragraph 213 of the Framework.

5. The appeal proposal is not one of the exceptions set out in the Framework or the Local Plan. It would therefore be inappropriate development in the Green Belt, and in line with the Framework would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

6. Openness can be defined as a lack of built form. The proposal seeks to extend the existing terrace into the Green Belt, replacing a lightweight car port with a dwelling, substantially increasing the built form, and resulting in a loss of openness. In light of the context of the site and its surroundings, I consider that the proposal would cause material harm to the openness of the Green Belt.

Other considerations

7. I note the argument of the appellant that the Green Belt is already affected by the nature of the site itself, by other developments in the area and the use of the land beyond the appeal site. I also acknowledge that the decision of the Council alleges no other harm arising from the proposal.
8. Whilst I note the personal circumstances of the appellant, based on the limited information given and the overarching need to take decisions in the public interest, I can give them only limited weight. I have also considered the other nearby examples of new development cited by the appellant. However, none of those sites are within the Green Belt.

Planning Balance

9. I have found that the proposed development would constitute inappropriate development in the Green Belt and would have a harmful impact on the openness of the Green Belt. These matters carry substantial weight.
10. This has to be balanced against the factors in favour of the proposed development (other considerations) as outlined above. Whilst I acknowledge these, in this particular case I do not consider that they outweigh the harm that would be caused. Consequently, the very special circumstances necessary to justify the appeal do not exist.
11. The proposal would therefore be contrary to Policy GB1 of the Local Plan which aims to ensure that the Green Belt is permanent and does not allow development within it which would conflict with the purposes of the Green Belt or affect its openness. The proposal would also conflict with the aim of the Framework to protect Green Belt land and the substantial weight it gives to any harm to the Green Belt.

Conclusion

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

S Dean

INSPECTOR