



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: 01 May 2020

Appeal Ref: APP/Y3615/W/19/3236283

Dunmore Farm, Broad Street Common, Guildford GU3 3BL

- 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 David Arnold against the decision of Guildford Borough Council.
 - The application Ref 19/P/00906, dated 18 May 2019, was refused by notice dated 6 August 2019.
 - The development proposed is replacement of existing dilapidated 6ft wooden boundary fencing, to the north & north east boundary with like for like sized fencing; to replace existing dilapidated pool store shed with smaller new shed; to install a wooden log cabin adjacent to the north boundary.
-

Decision

1. The appeal is dismissed insofar as it relates to the fencing to north-east boundary and erection of a wooden log cabin adjacent to the north boundary. The appeal is allowed insofar as it relates to replacement fencing to the north boundary and replacement of existing dilapidated pool store shed with smaller shed at Dunmore Farm, Broad Street Common, Guildford GU3 3BL in accordance with the terms of the application, Ref 19/P/00906, dated 18 May 2019, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Dunmore Farm location plan', 'New Shed/Pool Store', 'North Boundary Replacement Fencing' and 'Dunmore Farm Site Plan'.
 - 3) Prior to the beneficial use of the 'New Shed/Pool Store' hereby permitted the existing 'pool store to be replaced' as shown on 'Dunmore Farm Site Plan' shall be removed from the site.

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 (the 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 the garden of Dunmore Farm, a Grade II Listed Building. The host dwelling falls within a scattered group of buildings, with the general pattern of development being loose knit, coupled with surrounding open land and pockets of trees, contributing to a generally verdant and open character.
4. The proposed development would comprise three distinct elements, consisting of a log cabin adjacent to the northern boundary; replacement fencing to the north and north-eastern boundaries and a replacement pool store shed.

Whether the proposal would represent inappropriate development

5. 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. The proposed log cabin would not conform to any of the exceptions detailed within paragraph 145 or Policy P2 of the Guildford Local Plan: Strategy and Sites 2019 (LP) and would therefore amount to inappropriate development in the Green Belt.
6. The term 'building' refers to any structure or erection and it therefore includes fences. The proposed fence to the northern boundary would replace fencing of a commensurate height and form and would to my mind therefore not be inappropriate development. However, a significant element of the fence proposed to the north-eastern boundary would be taller and of a more solid form than the existing enclosure observed at the time of my site visit and to my mind would be materially larger. Therefore, for the purposes of paragraph 145 of the Framework, the proposed altered form of enclosure to the north-eastern boundary would be inappropriate development in the Green Belt.
7. The proposed pool shed would replace an existing storage shed, being in the same use and smaller than that which it replaces and as such would not be inappropriate development under criterion d) of paragraph 145 of the Framework and Policy P2 of the LP.

Openness

8. Openness can be defined as an absence of built form. The presence of the log cabin and altered fence to the north-eastern boundary would introduce additional built form. The appeal site is not clearly visible within the wider landscape, from Public Rights of Way or from the public highway. Whilst I acknowledge that there are a number of trees around the site and nearby development, the openness of the Green Belt is clearly evident in the vicinity of the appeal site and the wider area. Although the loss of openness that would be directly attributable to the proposed log cabin and altered fence would not be substantial in itself, the introduction of additional built form would diminish the openness of the Green Belt to a limited degree.

Other considerations

9. The proposed development lies within the curtilage of Dunmore Farm, a Grade II Listed Building. The Council have indicated that there would be no harm to the setting of the listed building and I have been given no evidence that would lead me to a different view. However, this would be expected in such situations and is to my mind neutral in the planning balance.
10. I acknowledge that the appellant indicates that were it not for their position within the curtilage of a listed building that the proposals would amount to permitted development. However, such a fallback position does not exist owing to the designation afforded to the host building and as such I attribute this minimal weight.

Planning Balance

11. The proposed log cabin and altered enclosure to the north-eastern boundary would be inappropriate development in the Green Belt and would also harm the openness of the Green Belt. The Framework makes clear in paragraph 144 that substantial weight should be given to such harm. There would be conflict with Policy P2 of the adopted LP, which seeks to protect the Green Belt from inappropriate development and is in line with the aims of the Framework.
12. 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.

Conditions

13. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans in the interests of certainty. I have also attached a condition requiring the existing pool store shed to be removed as detailed within the submissions in the interests of certainty and to preserve the openness of the Green Belt.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the replacement pool store shed and replacement fencing to the north boundary but dismissed insofar as it relates to the log cabin and fencing to the north-eastern boundary.

Robert Lankshear

INSPECTOR