
Appeal Decision

Site visit made on 26 May 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 05 June 2020

Appeal Ref: APP/R3650/D/20/3245282

Pukshod, Weycombe Road, Haslemere GU27 1AA

- 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 Edwin Manser against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1507, dated 8 August 2019, was refused by notice dated 30 October 2019.
 - The development proposed is the demolition of existing shelter with the erection of a non-habitable workshop in its footprint. Construction of new timber framed porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development is inappropriate, 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

3. The appeal building is a residential property with accommodation arranged over two floors. It has a shelter (car port) attached to its north elevation. The site is located in the countryside and within the Green Belt.
4. The proposal is for the demolition of the existing shelter and the erection of a single storey non-habitable workshop on its footprint and the erection of a new timber framed porch.

Whether the proposal would represent inappropriate development

5. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless, amongst other things, it involves the extension or alteration of a building. That is, however, provided that it does not result in disproportionate

additions over and above the size of the original building (paragraph 145 c of the Framework).

6. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (LPP1) seeks, in accordance with the Framework, to protect the Green Belt from inappropriate development. Saved Policy RD2 of the Waverley Borough Council Local Plan (2002) (LP) states that proposals for the extension of dwellings will be permitted within the Green Belt provided that the extension 'does not result in disproportionate additions over and above the size of the original dwelling' (criteria (a) of the policy). In this respect, saved Policy RD2 of the LP conforms to the general thrust of Green Belt policy in the Framework. It also states that proposals for the extension of dwellings will be permitted in the Green Belt provided that the extension is of an appropriate design and will not adversely change the character, appearance, bulk and setting of the existing dwelling (criteria b); and will not appear more intrusive in the landscape or otherwise detract from the rural character of the area (criteria c). Moreover, it states that in assessing whether a proposed extension is disproportionate, account will be taken of the relative increase in floorspace together with the form, bulk and height of the proposal in comparison to the original dwelling.
7. The supporting text to saved Policy RD2 provides guidance about the approach that the Council will take in considering extensions to dwellings in the countryside within the Green Belt. It states, amongst other things, that the original dwelling is the dwelling that existed on 31 December 1968, or as it was constructed if this was at a date after December 1968, and as a guideline, a proposal which individually or cumulatively increases the floorspace of the original dwelling by more than 40% will be unlikely to satisfy criteria (a) of the policy. It also states that the floorspace of the dwelling shall be measured externally and shall include porches and conservatories, but shall exclude all non-habitable accommodation and detached outbuildings.
8. The Council's evidence on this matter is that as a result of the current application and the other previous additions and alterations to the dwelling since 31 December 1968, the habitable floor area would be increased from the original dwelling by approximately 88.4%. Moreover, the Council calculate that if the floor area resultant from the previous conversion of the roof space is omitted, on the grounds that it involved no external enlargement to the dwelling, the floorspace would still be larger than the original dwelling by approximately 50.2%.
9. In regard to the aforementioned calculations the Council's officer report confirms that the existing shelter and proposed workshop have been omitted on the grounds that they represent non-habitable floorspace. I have no reason to disagree with the Council's calculations and I note that the appellant has not disputed them either. Consequently, based purely on these statistical measurements the proposal would, by virtue of the proposed porch representing an incremental increase in floorspace, cumulatively lead to a further increase in the size of the original dwelling significantly beyond the Council's guideline figure of 40%.
10. The appellant contends that saved Policy RD2 is significantly more restrictive than the Framework in that, in regard to the protection of Green Belt land, the Framework makes no distinction between habitable and non-habitable

floorspace. He says that both habitable and non-habitable floorspace should be included within the floorspace calculations with respect to proposals within the Green Belt. In this regard, he states that the existing shelter, which would be demolished, amounts to 16 m², which equates to the sum of the floor area of the proposed workshop (13 m²) and the proposed porch (3 m²). Thus, he contends that the proposed development would not result in a net gain of floorspace compared to the existing dwelling. However, despite the apparent parity in floorspace in regard to the *existing* dwelling, I have not been presented with any substantive evidence in the form of supporting calculations, or any other information, to demonstrate that the floorspace of the *original* dwelling, even after taking into account both habitable and non-habitable floorspace, has not already cumulatively been increased significantly beyond the Council's guideline figure of 40%. Consequently, I have no compelling evidence before me to indicate that the proposal would also not cumulatively increase the size of the original dwelling significantly beyond the Council's guideline figure of 40%.

11. There are other possible approaches to this matter. However, no information has been given regarding volume which is another mechanism for quantifying the degree of change between the original dwelling and the resultant property. The proposed workshop would incorporate a pitched roof of greater height than the existing flat roofed shelter. Whilst it would have a slightly reduced floor area, as a result of its increased height and its built form compared to the existing 'open' structure, the proposed workshop would be a more solid and bulky addition to the host property. Although the proposed porch would be subordinate to the main façade in terms of design and would be an 'open' structure it would nonetheless represent additional built form.
12. The appellant contends that the wording of the supporting text to saved Policy RD2 implies a degree of latitude in regard to whether proposals satisfy criteria (a) of the policy, in so far that the effect of the proposal on the rural character of the area in general and the overall scale of development on the site should also be taken into account.
13. Even if the proposed development would not harm the rural character of the area, nor appear materially prominent within the landscape in the context of the existing development on the site, assessing proportionality is primarily an objective test based on size. On this basis, therefore, for the above reasons, comparing the original dwelling that existed on 31 December 1968 to the one that would result if the proposal were to go ahead, the outcome would be a disproportionate addition over and above the size of the original building failing to accord with the exception in paragraph 145 c) of the Framework and criteria (a) of saved Policy RD2 of the LP.
14. For the above reasons, I find that the proposal would amount to inappropriate development in the Green Belt and, in this regard, would conflict with Policy RE2 of the LPP1, saved Policy RD2 of the LP and with the Framework.

Openness

15. The Framework advises, in paragraph 133, that openness is an essential characteristic of Green Belts. The openness of the Green Belt has both spatial and visual aspects.

16. The proposed workshop, by virtue of its height and bulk, and the additional built form of the proposed porch, would lead to a loss of openness in spatial terms, although the loss would be limited and localised.
17. Consequently, notwithstanding the fact that it would not be readily visible from the public domain or the adjacent property of Gupshill by virtue of some screening afforded by vegetation along the boundaries of the site, the proposed development would have an overall minimal impact on the openness of the Green Belt.

Other Considerations

18. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state, in paragraph 144, that substantial weight is given to any harm to the Green Belt and 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.
19. The appellant suggests that, in accordance with Policy RD2A of the LP, the existing property could realistically be replaced and comprise a floor area 10% larger than the existing property which would allow for an additional 20 m² of floorspace; greater than the level of floorspace currently proposed. There is limited information within the evidence regarding the detail of any such alternative proposal. In any event, I have not been presented with any compelling evidence to indicate that the replacement of the existing dwelling represents a realistic alternative to the proposal before me were this appeal to fail. I therefore afford the alternative proposal limited weight in the overall planning balance.

Conclusion

20. The appeal proposal would be inappropriate development in the terms set out in the Framework. This is a matter to which I afford substantial weight in the overall planning balance. In addition, there would be a minimal loss of openness of the Green Belt. In conclusion, the aforementioned harm would not be clearly outweighed by the other considerations so as to amount to the very special circumstances required to justify the proposal. Therefore, the appeal should be dismissed.

Andrew Bremford

INSPECTOR