The Planning Inspectorate

Appeal Decision

Site visit made on 18 May 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 10 June 2020

Appeal Ref: APP/Y3615/D/20/3245892
Woodland Cottage, Long Hill, The Sands, Farnham GU10 1NG

- 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 and Mrs Dalton against the decision of Guildford Borough Council.
- The application Ref 19/P/01917, dated 5 November 2019, was refused by notice dated 30 December 2019.
- The development proposed is described as the erection of the extensions and alterations allowed under consent reference 19/P/01020, together with the construction of the rear extension allowed under permitted development rights (19/P/01509) following demolition of the existing outbuildings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit I saw works which appeared to be carried out by way of a partly constructed rear extension. The evidence indicates that these works are related to the proposal before me. I have dealt with the appeal on this basis.

Main Issues

3. 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

4. Woodland Cottage is a two storey detached property positioned within a generous plot located towards the southern end of Long Hill. It is well screened from local views by mature trees and vegetation along the boundaries of the site. The appeal site lies within the Green Belt.

5. The proposal seeks planning permission for the erection of extensions and alterations approved under planning permission reference 19/P/01020[1] ("the 2019 scheme"), together with the erection of single storey rear extension approved under certificate of lawful development reference 19/P/01509 ("the CLD scheme") following demolition of the existing outbuildings.

Whether the proposal would represent inappropriate development

6. 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[2]. In this respect, Policy P2 of the adopted Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019) (LP) conforms to the thrust of Green Belt policy in the Framework.

7. There is no definition of disproportionate development within the Framework and Policy P2 of the LP does not include criteria to indicate what would amount to a disproportionate addition, over and above the size of the original building. Consequently, this is a matter to be determined on a case by case basis.

8. The Council's evidence on this matter is that when combined with previous extensions to the original building the proposed development would result in an increase in the floor area of approximately 128.2%. Although the appellants say that their calculation of the floor area of the original building differs a little to that of the Council, there is no dispute between the main parties that due to the size of the proposed development, it would represent a disproportionate addition to the original building. Based on the evidence before me I have no reason to disagree.

9. Accordingly, the proposed development would amount to inappropriate development in the Green Belt in the terms set out in Policy P2 of the LP and the Framework.

Openness

10. The Framework advises, in paragraph 133, that openness is an essential characteristic of Green Belts. The openness of the Green Belt has a spatial aspect as well as a visual aspect. The proposal would demolish the existing single storey outbuildings and therefore reduce the spread of development across the site. However, notwithstanding the absence of visual intrusion from the public domain, in that the bulk of the building would be increased by the additional extensions and alterations, some of which would be two storey in height, the proposal would reduce the openness of the Green Belt. However, in isolation, the loss of openness would be minimal.

Other Considerations

11. Paragraph 143 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also indicates, in paragraph 144, that

[1] Full description of development: Erection of a two storey front extension, one front former, relocation of front door to west elevation including new canopy, two rear dormers, changes to fenestration and demolition of chimney and four outbuildings.
[2] Paragraph 145 c) of the Framework.

substantial weight should be given to any harm to the Green Belt and that 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.

12. The evidence refers to the potential fallback option of just implementing the CLD scheme, which the appellants say, when compared to the existing situation, would have a greater impact on the Green Belt as a result of it having a larger percentage increase in floor area and footprint than the appeal scheme.

13. The evidence indicates that there is no dispute between the main parties that permitted development rights exist. Indeed, condition 6 attached to the 2019 scheme, which the evidence indicates has not been implemented, removes permitted development rights pursuant to Classes A and E. Consequently, if the appeal were to be allowed, there is nothing before me to prevent existing permitted development rights being exercised before the permission for the appeal proposal is implemented. In this scenario, I have not been presented with any compelling evidence to demonstrate that permitted development could not be built that would at least have the same impact upon the Green Belt as the CLD scheme. A planning condition removing permitted development rights would only take effect once the permission is implemented and there is no other means of preventing this outcome before me. In these circumstances, for the above reasons, I afford only limited weight to the fallback option in favour of the proposal.

Conclusion

14. 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.

15. 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