



Appeal Decision

Site visit made on 17 August 2020 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/R3650/D/19/3234490

The Hut & The Stables, 14 Sweetwater Lane, Wormley, Godalming GU8 5SS

- 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 P Harris against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0852 dated 16 May 2019 was refused by notice dated 11 July 2019.
 - The proposed development is an erection of a link extension to provide a single self-contained ancillary building
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Decision

1. The appeal is allowed and planning permission is granted for an erection of a link extension to provide a single self-contained ancillary building at The Hut & The Stables, 14 Sweetwater Lane, Wormley, Godalming GU8 5SS, in accordance with the terms of the application, Ref WA/2019/0852, dated 16 May 2019, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing outbuildings.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at 1:1250 scale, 4/2019/1 Rev B and 2/2019/3.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No Turning Cottage, 14 Sweetwater Lane, Wormley, Godalming GU8 5SS.

Application for Costs

2. An application for costs was made by Mr P Harris against the decision of Waverley Borough Council. This application is the subject of a separate decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and development plan policies.

Reasons for the Recommendation

5. Policy RE2 of the Waverley Borough Local Plan Part 1 Strategic Policies and Sites, February 2018, (Local Plan), states that proposals will be considered in line with the exceptions identified within the Framework. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception, part c), is 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.
6. The Council suggest that the proposal would not fall within part c), or any other exception, of paragraph 145 as it would not be perceived as an extension, and instead, would link and consolidate two small buildings into one larger single building. Whilst technically it is an extension to two buildings and not just an extension of a building, in my view this should not prevent it falling within part c) of para 145. Moreover, it would be perceived as an extension.
7. The floor area of each outbuilding is broadly similar and together they amount to around 100m². As such the proposed extension, which would measure about 25m², would amount to an increase in size of roughly 25%. Neither the Framework nor Policy RE2 define what would be disproportionate. However, the Council state that the extension, when considered as an extension of each outbuilding individually would fall within the parameter of being proportionate. I have no reason to disagree.
8. Therefore, for the above reasons, I conclude that the proposal can be considered as an extension of a building and that it is not disproportionate. As such it is not inappropriate development in the Green Belt. It would accord with Policy RE2 and the Framework which seek to protect the openness of the Green Belt.

Other Matters

9. The Council and appellant agree the two outbuildings are used as a self-contained dwellinghouses, ancillary to No Turning Cottage and indeed the Lawful Development Certificates for both outbuildings confirm their lawful use as such. Though the resultant building would be a fairly large three bedroomed building, there is a single point of access to the whole appeal site, shared garden space with the main dwelling, and a relatively short distance between No Turning Cottage and the ancillary accommodation. As such, there is a functional link between the development and the main house. Both parties agree that the ancillary nature of the development can be ensured by a condition, which I discuss below.

10. I note the objection of the Witley Parish Council. Their concerns on Green Belt grounds are addressed above. In addition, as the proposal would remain to be ancillary to No Turning Cottage it would not constitute a new dwelling in the countryside and its location away from a development boundary is not a matter of great weight.
11. The site is within the 5km buffer zone of the Wealden Heath Special Protection Area (SPA). However as the proposal is an extension it is unlikely to result in additional pressure on the SPA and therefore would not have a significant effect on the SPA. Furthermore the small scale of the proposal would mean the landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty would be conserved.

Conditions

12. I have had regard to the conditions suggested by the Council and where necessary I have amended them in the interests of clarity and to reflect the advice in the Framework and national Planning Practice Guidance (PPG).
13. In the interests of certainty, a condition is necessary to ensure the development is carried in accordance with the approved plans and within three years of the date of this decision. Furthermore, in the interests of protecting the character and appearance of the area, a condition is necessary to ensure matching materials are used.
14. A condition preventing the use of the outbuilding as an independent residential unit is necessary in the interests of protecting the character of the area.
15. In their original appeal questionnaire, the Council suggested a condition removing permitted development rights. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so, and the PPG advises that conditions restricting the future use of permitted development rights or changes of use "may not pass the test of reasonableness or necessity". However the site's location in the Surrey Hills Area of Outstanding Natural Beauty means permitted development rights are already more restricted than for dwellings generally. I see no clear reason to restrict them further.

Recommendation and Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR