



Appeal Decision

Site visit made on 4 November 2020

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020.

Appeal Ref: APP/R3650/W/20/3249147

2 Sunnyside Cottages, Rushett Common, Bramley, Guildford, GU5 0LG

- 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 Gary Cramp against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1192, dated 20 June 2019, was refused by notice dated 5 November 2019.
 - The development proposed is the erection of a dwelling on land at 2 Sunnyside Cottages.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues are:-
 - Whether the proposal constitutes an inappropriate form of 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.
 - Whether the location would provide for sustainable development.
 - The effect of the development on protected species and their habitats.
 - If the development is inappropriate to the Green Belt for the purposes of the Framework and development plan policy, whether the harm by reason of that inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to exist to justify the development.

Reasons

3. The appeal site is a large side garden area to a semi-detached dwelling at the end of a short row of properties in a rural location. It is largely screened by vegetation and trees and is set back off both the main lane and the service road to the dwellings.
 4. The appeal proposal is as described above with the new dwelling being of a modern idiom with oak cladding and curved wildflower green roof and with an appreciable quantum of the accommodation below existing ground level.
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Whether the proposal is inappropriate development

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in certain circumstances or in very special circumstances. The national policy advice has to be read together with the relevant development plan policy which in this case includes Policy RE2 of the Waverley Borough Local Plan (Part 1) 2018 (LP). This policy aligns with the Framework.
6. The Framework does identify that there are exceptions when it comes to new buildings, in certain circumstances some can be classed as not inappropriate. The Appellant makes the case that an exception would apply at the appeal site and the starting point for this is the classification of the appeal site, being a garden in a non-built-up area, as previously developed land (brownfield).
7. The Appellant cites the Framework para 145 g) which provides for "... complete redevelopment of previously developed land ...". However there is a clear caveat on this allowance in that any scheme must "... not have a greater impact on the openness of the Green Belt than the existing development ...". This is an area of garden land. Even allowing for an appreciable degree of screening, a scheme with a large part of subterranean works, and a subtle 'green' design, there can be no doubt in my mind that with the development of a new dwelling the site will change visually and appreciably alter in terms of reducing openness on any subjective or objective assessment. The change would be of substantial harm to openness in my opinion but even if one was to deem it not at this level the second caveat to 145g) is that the building should meet a local identified affordable housing need. There is no such affordable housing undertaking with this proposal.
8. On the first issue, I therefore conclude that this proposal would represent inappropriate development for the purposes of the Framework and the development plan. I attach substantial weight to this harm.

Effect on Openness

9. The Framework makes it clear that an essential characteristic of Green Belts is their openness. Open can mean the absence of development irrespective of the degree of visibility of the land in question from public vantage points; development which would harm openness could be acceptable visually. In other words, openness of the Green Belt has a spatial aspect as well as a visual aspect and the absence of visual intrusion, or the presence of screening, does not in itself mean that there is no impact on the openness of the Green Belt as a result of development. In this case the proposal would involve the addition of considerable built form. The change over the existing situation would be appreciable and, notwithstanding some screening, the scheme would, as I point out above, make a marked difference to openness within this area.
10. I conclude that there would be conflict with a key objective of the Framework and the development plan and I attach substantial weight to this impact upon openness of the Green Belt.

Location

11. Policy SP2 of LP sets out the Council's spatial strategy which aims to ensure development needs are met in a sustainable manner. The policy focuses

growth in a broadly hierarchical manner relative to settlement size. This reflects the Framework approach seeking to protect countryside and to generally direct development to locations offering proximity to services and facilities unless there is exceptional justification. The appeal site is located outside any defined settlement area. The environs are called Rushett Common but it would be hard to define this as village and services are negligible. The row of appreciably less than 10 dwellings that the site abuts is an anomalous scatter of dwellings and does not alter the fact that this site is in a rural countryside location with very poor accessibility other than by private car. A new dwelling here would not contribute to a sustainable pattern of development and I conclude that it would be contrary to LP Policy SP2. I attach substantial weight to this issue.

Protected species and habitats

12. The Council is concerned about the lack of an Ecological Survey and is of the view that the scheme could threaten protected species and habitats and not retain, protect or enhance biodiversity. However from what I have seen on site and read in the appeal papers on this particular occasion I am satisfied that there should be no direct threat to such species or habitats, fine tuning mitigation could be put in place if necessary at the implementation stage, and that overall the scheme would be likely to offer some enhancement to biodiversity. Had I been minded to allow the appeal I would have dealt with this matter by planning condition. In this way the objectives of LP Policy NE1 *Biodiversity and Geological Conservation* would have been met. In the circumstances I would conclude that I would adopt a neutral stance on this main issue.

Other considerations

13. The Appellant makes the point that the scheme would reduce the large garden of the donor dwelling to a manageable size and provide a suitable sized plot for a new home. In dimensional terms I would take this point albeit there are very many rural dwellings which are complemented by, and offer benefit to residents through, having very large gardens.
14. I agree with the Appellant that the land can be classed as previously development (brownfield) land. However as I set out above at paragraph 7 this does not give carte blanche for new development in a Green Belt setting.
15. The Appellant makes the point that the Council does not have a secure 5 year supply of housing land and underlines the appeal proposal could usefully contribute to the 'windfall' housing numbers. The Council's stance is that it does have the necessary supply. From my perspective in any supply scenario the positive contribution of one dwelling to the housing stock would be an extremely small one and my overall judgement has to be made in that context.
16. The dwelling design is attractive in its own right and would be an energy efficient structure. Considering the amount of accommodation which would be provided it seeks to minimise, though cannot remove, bulk and massing. The oak cladding and ingenious roofscape with its landscape would be innovative and help to reduce, but not eliminate, the visual impact normally associated with a new dwelling.

17. I would give each of the considerations put forward by the Appellant limited weight.

Balance and conclusions

18. In accordance with the terms of the development plan previously highlighted and the Framework, the proposed development would represent an inappropriate form of development in the Green Belt. The Framework requires that substantial weight must be attributed to harm by way of inappropriateness to the Green Belt. Additionally, I have found above that the proposal would be unacceptably harmful to the openness of the Green Belt and this also carries substantial weight.
19. Whilst I have afforded weight in the planning balance to the other considerations raised in support of the development these, either individually or taken together, do not clearly outweigh the harm to the Green Belt and its openness which I have identified. Therefore, very special circumstances do not exist and permission should not be granted as the proposal is contrary to guidance in the Framework and development plan policy.
20. The fact that the development would be in a location which would not provide for sustainable development is a matter that appreciably adds to my concerns over the proposal and would justify dismissal of the appeal in its own right. However, whatever my conclusions on this non-Green Belt harm it would not have made any difference to my findings on the question of very special circumstances.
21. My conclusion on protected species and habitats is neutral in any balance.

Overall conclusion

22. My overall conclusion is that the proposal would not accord with the pertinent elements of the Framework and the development plan. The appeal should therefore fail.

D Cramond

INSPECTOR