



Appeal Decision

Site visit made on 5 November 2020

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 November 2020.

Appeal Ref: APP/Y3615/W/20/3253338

Tethers End, Farley Green Road, Farley Green, Albury, Guildford, GU5 9DL

- 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 & Mrs Barbour against the decision of Guildford Borough Council.
 - The application Ref 19/P/02180, dated 17 December 2019, was refused by notice dated 5 March 2020.
 - The development proposed is the erection of a replacement dwelling.
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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.
 - 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 property is a detached dwelling with garaging in a spacious plot located at the end of a rural lane lying within Green Belt. The proposal is as described above with the planned home being 4 bedroomed with a maximum height of 8.6 metres, width of 14.8m and depth of 10.9m.

Whether the proposal is inappropriate development

4. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The replacement of an existing building is not, however, inappropriate provided that it is in the same use and not materially larger than the one it replaces. The Framework does not define 'materially larger'.

5. The national policy advice has to be read together with the relevant development plan policy which in this case includes Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LP). This policies draws fully on the Framework's stance. It gives no definition of 'materially larger'. No specified percentage increases or measurement methodology are set out as potentially being deemed as acceptable; this is a subjective exercise.
6. There is some difference between the Appellants and the Council over how one should consider the existing situation – whether to include the detached garage within the 'equation'. For my part in this instance because of the nature of the garage in form, scale and construction and its almost linked proximity to the dwelling house I am satisfied that it is reasonable to include it within the overall thinking when considering the 'materially larger' issue.
7. A collection of figures are put forward by the Appellants and the Council in terms of the built form change which would arise. These go across internal and external floor area, footprint, height, external dimensions and volume. There is some disparity between the sums of the main parties but not any wholesale difference and I am content to see any variation of the figures as a range one would fairly consider suitable for my use. In this instance using my planning judgement, and even 'including' the garage, whatever way I look at the planned home relative to the existing situation, but most particularly in terms of floor area, height and volume, I would deem the scale to be an excessive change in a Green Belt context. I would thus determine that a description of 'materially larger' would apply in this case.
8. On the first issue, I therefore conclude that this proposal would represent inappropriate development for the purposes of the Framework and LP Policy P2; it would be a markedly materially larger building than the one it would replace. I attach substantial weight to the harm caused by this scheme representing inappropriate development.

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 overall addition of considerable built form. The change over the existing situation would be appreciable and the scheme would 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 LP Policy P2 and I attach substantial weight to this impact upon openness of the Green Belt.

Other considerations

11. The Appellants cite examples of approved schemes elsewhere in the Borough but with locational, scale and calculation methodology variations I did not find direct parallels to the case in hand. In any event I have to determine this scheme on its own merits.

12. The Appellants point to a recent planning permission for a redevelopment of the appeal property (ref 20/P/00584). This would be a 'fall-back' option in my view and needs to be considered. The case is made that dimensionally where there is an increase between the appeal proposal and the fall-back the alterations are very minor. I acknowledge that a single figure taken in isolation may at first seem a relatively small change but I have to view matters in the round. There simply comes a tipping point when the equation between acceptable and unacceptably-materially-larger is reached. In my mind that point is passed by the appeal scheme with its overall scale and bulk of roof form being in this instance materially greater than the fall-back.
13. I would give each of the considerations put forward by the Appellants limited weight.

Balance and conclusions

14. In accordance with the terms of 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.
15. 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.

Overall conclusion

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

D Cramond

INSPECTOR