



Appeal Decision

Site visit made on 9 November 2020

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/R3650/D/20/3246241

Pine Wood, Smugglers Way, Farnham GU10 1NA

- 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 S Saklad against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1619, dated 20 September 2019, was refused by notice dated 14 November 2019.
 - The development proposed is conversion of existing garage into home office and proposed triple garage with glazed link to existing house (resubmission of WA/2018/2184).
-

Decision

1. The appeal is allowed and planning permission is granted for erection of extension and alterations of existing garage to form a home office and the erection of detached garage (revision of WA/2018/2184) at Pine Wood, Smugglers Way, Farnham GU10 1NA in accordance with the terms of the application, Ref WA/2019/1619, dated 20 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the proposed extensions to the existing garage and the proposed new garage hereby permitted shall, with the exception of the proposed green roof system to the new garage, match those used on the existing garage and main dwelling respectively.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01b, PL-11d and PL-12b.

Procedural Matter

2. The description of development in the fourth bullet point of the above header is taken from the planning application form. However, I note that the description was changed to that on the Council's decision notice, and reflected within the appeal submissions, to that set out in the above decision. The differences reflect the removal from the proposals of the originally proposed glazed link from the proposed garage to the existing house and that the conversion of the existing garage includes extensions comprising an increase to the ground floor area and a roof dormer window. I have no basis to consider that there is any dispute between the Council and Appellant over the amended description which I have therefore taken as the basis for determining the appeal.

Main Issues

3. The main issues are:

- i) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- ii) the effect of the proposed development on the openness of the Green Belt;
- iii) whether any harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

- 4. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (the LSPS), sets out that the Green Belt will be protected against inappropriate development and that new development will be considered to be inappropriate and will not be permitted unless very special circumstances can be demonstrated. This accords with the Framework and highlights that exceptions to this are those set out in the Framework. These are set out in paragraphs 145 and 146 of the Framework, subject to certain conditions.
- 5. The part of the appeal development relating to the extensions to the existing garage relates to Framework paragraph 145(c) which concerns the extension or alteration of a building, whereas saved policy RD2 of the Waverley Borough Council Local Plan (2002) (the Local Plan 2002) refers specifically to the extension of a dwelling and therefore not strictly relevant. Having regard to the Framework, that element of the proposals would therefore be an exception to development being considered inappropriate in the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original building. The Council does not raise any concerns with the proposed extensions, and I have no substantive basis to consider otherwise on the basis that they would be modest in size in relation to the existing garage. That element of the proposals would therefore not represent inappropriate development in the Green Belt.
- 6. The proposed new garage on the other hand, being detached from the original dwelling, would not fall into any exception category within the Framework, and so would be inappropriate development in the Green Belt. By definition it would therefore be harmful to the Green Belt.
- 7. For the above reasons, I conclude on this issue that, having regard to the Framework, the element of the proposed development comprising the new garage must be regarded as inappropriate development in the Green Belt which would by definition be harmful to the Green Belt, to which substantial weight should be given.

Openness of the Green Belt

8. Openness, as highlighted in the Framework, is an essential characteristic of Green Belts to which the Government attaches great importance.
9. I have found that the proposed extensions to the existing garage would not be inappropriate development in the Green Belt. As such there is no further requirement for me to assess the impact of this element on the openness of the Green Belt.
10. The proposed garage would infringe on the openness of the Green Belt by virtue of the additional development on the site, separate and set away from the existing main dwelling. However, it would be cut into an existing bank with limited likely effects on nearby mature trees. It would also be fairly discretely positioned at the far end of the existing driveway, well away from the site access point and the bridleway that continues on from the end of Smugglers Way. Together with significant screening from intervening vegetation and the topography of the site and surrounding area, with the bridleway being at a lower level than the majority of the site, there would therefore be very limited visibility of the proposed garage from public vantage points. It would also be relatively modest in height, scale and massing in the context of and in close proximity to the significantly larger dwelling itself. For these reasons, the proposed garage would not represent significant encroachment into the Green Belt and as such there would only be moderate harm to openness.

Other consideration

11. The Appellant has established through a Certificate of Lawfulness that the same amount of garage floorspace as that proposed could be lawfully built as permitted development within the garden of the property. The Appellant states that this would be built as a fall-back in the event of the appeal being dismissed.
12. That alternative garage would be to the rear of the house but nearer to the front of the site and the adjacent bridleway in a very open part of the garden, albeit still unlikely to be clearly visible from public vantage points due in particular to a significant screen of intervening mature trees and vegetation. The massing of the building would also be greater than the proposed garage due to the latter being cut into a bank. The proposed garage, despite being at the front of the house would therefore not be significantly more visible than the fall-back option and if anything may be less so. As such, I do not consider that the effect on openness of the Green Belt would be significantly different regardless as to which of the two were built.
13. Furthermore, the fall-back would be a realistic option albeit necessitating a new section of driveway to serve it. It would be unlikely that both the proposed and fall-back garages would be built were the appeal allowed due to serving the same purpose, and with that proposed not necessitating the creation of additional driveway. Nevertheless, the potential would exist. In this respect, the Appellant has therefore further clarified and formalised the intention only to build that proposed, if allowed, through the submission of a Planning Obligation confirming the fall-back garage, along with any other further outbuildings, would not be built in addition to that proposed. In terms of protecting the openness of the Green Belt, such an obligation would therefore meet the tests set out in paragraph 56 of the Framework relating to planning obligations.

14. For the above reasons, I have afforded very considerable weight to the fall-back position.

Conditions

15. The Council has suggested three conditions that it considers would be appropriate were I minded to allow the appeal. The standard time condition would be required in this case and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required.
16. In the interests of the character and appearance of the surrounding area, a condition would be necessary to ensure that the external building materials relating to the proposed elements of development match those on the existing garage and main dwelling respectively, apart from in respect of the new garage roof which is intended to be a green roof system.

Conclusion

17. The proposed extensions and alterations to the existing garage would not be inappropriate development in the Green Belt and I have no basis to consider there to be any other harm associated with that aspect of the proposals.
18. I have found that the proposed new garage must be regarded as inappropriate development in the Green Belt which would, by definition, be harmful to the Green Belt, to which substantial weight should be given. I have however found that it would only cause moderate harm in terms of the openness of the Green Belt. Furthermore, and importantly, I have afforded very considerable weight to the fall-back garage option. That is such that the harm in respect of inappropriateness and openness would be clearly outweighed by the fall-back position, and I have no basis to consider there to be any other harm associated with this aspect of the proposal. As such, considering the case as a whole, very special circumstances exist which justify the development.
19. Therefore, for the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR