



Appeal Decisions

Site visit made on 27 October 2020

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal A Ref: APP/Y3615/C/20/3256708

Appeal B Ref: APP/Y3615/C/20/3256709

4 West End Cottages, High Street, Ripley, Woking GU23 6AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Ms Sarah Conte, and Appeal B is made by Mr James Gosney, both against an enforcement notice issued by Guildford Borough Council.
 - The enforcement notice was issued on 25 June 2020.
 - The breach of planning control as alleged in the notice is:
Without planning permission the carrying out of operational development comprising the erection of a timber building on the land in the approximate location shown hatched on the attached plan.
 - The requirements of the notice are:
 - i) *Demolition unauthorised building in its entirety*
 - ii) *Remove the resultant materials and waste from the land.*
 - The period for compliance with the requirements is 2 months
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act. Appeal B is proceeding on the grounds set out in section 174(2) (f) and (g) of the Act.
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Decision

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the carrying out of operational development comprising the erection of a timber building on the land at 4 West End Cottages, High Street, Ripley, Woking GU23 6AD as shown on the plan attached to the notice and subject to the following conditions:
 - 1) The existing planting on the western side of the building and on the western boundary of the curtilage shall be retained, and for a period of 5 years from the date of this decision, any specimens that die or become seriously diseased shall be replaced by others of the same species, within the first available planting season.
 - 2) The building hereby permitted shall be demolished to ground level and materials resulting from the demolition shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within one month of the date of this decision details of a shade of green colour for the repainting of the building shall have been

- submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii) If within 7 months of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Appeal A - ground (a) – that planning permission should be granted

Main Issues

2. The main issues are:

- i) whether the building amounts to inappropriate development in the Green Belt, and
- ii) whether the development would preserve or enhance the character or appearance of the Ripley Conservation Area.

Reasons

Inappropriateness

- 3. Policy P2 of the Guildford Borough Local Plan: Sites and Strategy 2019 (LP) says that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the National Planning Policy Framework. Those exceptions include limited infilling in villages. The explanatory text to the policy says that for the purposes of this policy, limited infilling is considered to be the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside or the local environment.
- 4. There is a continuously built-up frontage for much of the southern side of High Street. However, between the pair of semi-detached houses at Inchcape and Abbotsford and those at Grandis Cottages, the continuity is interrupted by an access road which serves 1-6 West End Cottages, the frontages of which face that road, and thus here there is not a continuous built-up frontage.

5. However, the second limb of the definition also includes “infilling of small gaps within built development” and I consider that this applies here. The building lies within the small gap between the terrace on the west side of West End Cottages and the dwelling at 1 Grandis Cottages, and thus I consider that it infills a gap within built development. Accordingly, the building does not constitute inappropriate development.
6. As the development is not inappropriate development in the Green Belt, it is unnecessary to consider the effect on openness, as it is implicit in its inclusion as an exception to inappropriateness that such a building will have some effect on openness and possibly the other purposes for including land within the Green Belt. I also find no conflict with LP Policy P2.

Character and appearance

7. The site lies within, and on the edge of, the Ripley Conservation Area. The conservation area is centred on High Street, where there are buildings which span over several centuries, and where red and painted brick predominate as elevational finishes and where clay tiles are mostly used for roofs.
8. The site lies on the western approach to the village, and the building can be seen clearly from the main road. It is a timber, pitched roof building with a grey roof. The building is painted in a shade of sea-blue. It is a large structure, and the combination of its size, materials and colour make it appear incongruous in the street scene. Whilst there are numerous other timber outbuildings nearby, they are much smaller in size, and do not stand out in the same way as does the appeal building.
9. I consider that the building appears as an incongruous structure, which is starkly at odds with the character and appearance of the conservation area, and that it fails to preserve or enhance these qualities. Although on its own, it is a well-designed building, it fails to respect its context and local character. It therefore conflicts with LP Policies D1 and D3 which respectively deal with place-shaping and the historic environment. It also conflicts with Guildford Borough Local Plan 2003 Policies HE7 and G5(2), which in turn deal with development in conservation areas and the scale, proportion and form of new development.
10. The harm that I have found to the significance of the conservation area is less than substantial, and that harm has to be weighed against any public benefits of the development. However, in this case there are no public benefits which have been identified by the appellants, and none are apparent to me.
11. The appellants have suggested measures which would mitigate the harm, and these include the planting that has already taken place on the boundary (which comprises a row of beech plants along the fence line) and immediately outside the building (5 planted silver birch trees, together with 4 planted tubs), along with a proposal to paint the building in a less conspicuous green colour. I saw on my visit that the planted trees were thriving and in years to come, would help to screen the building. Painting the building a different colour would make it stand out less, but even in combination, these mitigation measures would not overcome the harm I have found in respect of the size and materials used.
12. I have also taken into account that a fallback position exists, in that a building of a similar or even larger footprint, but lower in height could be erected under

Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. That permits a building with a dual-pitched roof up to 4m high (unless it is within 2m of a boundary of the curtilage, in which case the height limit is 2.5m) and with an eaves height of no more than 2.5m.

13. I accept that the appellants have clearly identified that a fallback exists, albeit that the size and location of any fallback would be constrained by the proximity to the boundary. Nevertheless, I recognise that a very similar building could be erected under permitted development rights. The building plays a valuable function in providing a home office and I consider that it is a reasonable chance that a fallback would be implemented.
14. Thus, I have to consider whether the suggested fallback would be less desirable than the development for which planning permission is sought. A fallback building would have to be lower, by about 0.3m at the eaves, and thus it would be less prominent in the street scene, albeit that the overall difference in visual impact would not be substantial. On the other hand, any fallback building could not be controlled in respect of colour, nor could any mitigatory measures such as tree screening be required.
15. On balance, I find that the route of granting planning permission subject to conditions in respect of colour and the retention of planting would be clearly preferable to the carrying out of what could be a larger building under permitted development provisions, without the ability to address colour or landscaping. This is a material consideration of great weight, which outweighs the conflict I have found with the development plan. I shall therefore grant permission and impose the conditions discussed below.

Conditions

16. The planting already carried out would, with a few more years' growth, provide a significant screen and would soften the visual impact of the development. I shall therefore merely require its retention, and replacement in the event of any failures for a period of 5 years.
17. I consider that the colour of the building contributes to its incongruity, and that painting it green as suggested by the appellants, would soften its appearance. No specific shade or colour reference has been suggested, and therefore it is necessary to require that the colour be agreed with the local planning authority. I shall impose a condition to ensure that the required detail is submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to secure the approval and implementation of the outstanding matter before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion on ground (a)

18. The appeal succeeds on ground (a), and I shall grant planning permission for the development enforced against.

Overall conclusions

19. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the development as described in the notice.
20. Appeal B and the grounds (f) and (g) on Appeal A do not therefore fall to be considered.

JP Roberts

INSPECTOR