



Appeal Decision

Site visit made on 9 December 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2021

Appeal Ref: APP/Y3615/D/20/3259707

West Flexford Barn, West Flexford Lane, Wanborough, Guildford, Surrey GU3 2JW

- 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 Toby Wells against the decision of Guildford Borough Council.
 - The application Ref 20/P/00719, dated 27 April 2020, was refused by notice dated 29 June 2020.
 - The development proposed is new three bay store building, including enclosed boiler room and wood pellet store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and to relevant development plan policies,
 - (b) The effect on the openness of the Green Belt,
 - (c) The effect of the proposal on the rural character of the area, and
 - (d) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. West Flexford Barn is a dwelling converted from a former agricultural building. It has a substantial curtilage of some 4 acres including many fruit trees and open grounds which, according to the appellant, are maintained as meadow and young woodland, with 2000 native trees having been planted since 2001. The immediate area comprises a mixture of residential and agricultural buildings surrounded by open countryside and is within the Green Belt.
4. The proposal is for a detached building with a prefabricated wood pellet store alongside. It would be located about 14.5m from the dwelling and so could not be regarded as an extension to it. It would be a new free standing building.

5. The Framework at Paragraph 145 confirms that subject to stated exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. Policy P2 of the Guildford Borough Local Plan: strategy and sites (2019) (LPSS) states 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 Framework. The Policy has been recently adopted and is consistent with the Framework.
6. The appellant contends that the proposal would comply with exception 145(a) "*buildings for agriculture and forestry*" in relation to ongoing use of the grounds for forestry purposes. But the lawful use of the site is for residential purposes. The appeal has been submitted under the Householder Appeal Service. The application does not include a change of use of parts of the curtilage. Whilst the three bay building may be used primarily for purposes akin to forestry there is no assurance that it necessarily would be so used in the future. Moreover, the biomass boiler within the building and the wood pellet store alongside clearly relate to the heating of the dwelling rather than to forestry. The proposal would not satisfy the requirements of the exception at Paragraph 145(a). Neither would the proposal comply with any of the exceptions listed in Paragraph 146 of the Framework. The proposal would thereby amount to inappropriate development in the Green Belt.

Openness

7. Paragraph 133 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that "*the essential characteristics of Green Belts are their openness and their permanence*". The proposal would result in a building approximately 10.5m long by 6.0m wide and 2.8m high. Although it would be partially screened from West Flexford Lane, it would be visible from other directions. Its mass would reduce the openness of the site and would be harmful to the Green Belt.

Rural character

8. The building would be located about 2m from the boundary to West Flexford Lane with a mixed hawthorn and conifer hedge in-between. The present height of the hedge would be insufficient to conceal close views of the building from the lane, but the hedge could be allowed to grow to form a more effective screen. The building would be conspicuous from a footpath through the site and from positions within the grounds, but nonetheless would be seen against the boundary hedgerow which for much of its length is of comparable height.
9. The proposal would be close to a cluster of other buildings to both sides of the lane. An outbuilding on a neighbouring plot is of similar area and mass to the proposal and is also located close to the road with partial screening by boundary treatments. The proposal would be similar in appearance to this nearby building and would be in keeping with the character of the cluster of buildings along this part of the lane.
10. The site is within an Area of Great Landscape Value (AGLV). Policy P1 of the LPSS states that the AGLV, as designated on the Policies Map, will be retained until such time as there has been a review of the boundary to an Area of Outstanding Natural Beauty (AONB). Development proposals within the AGLV will be required to demonstrate that they would not harm the setting of the AONB or the distinctive character of the AGLV itself.

11. The site is not within the AONB and the proposal would not harm its setting. It would be perceived from positions within the open countryside to the south and west towards the AONB as a small element within a cluster of mainly larger buildings characteristic of the countryside location, and so would not detract from its open rural character. It would not harm the distinctive character of the AGLV or be contrary to Policy P1.
12. The Council accepts that the materials to be used for the building's construction would be in keeping with the rural nature of the site. The building's simple and modest design would also be sympathetic with the appearance of neighbouring buildings and appropriate to the area. The proposal would be compliant with Policy D1 of the LPSS which requires developments to achieve a high quality design that responds to the distinctive local character (including landscape character) of the area in which it is set. It would also be compatible with Saved Policy G5 of the Guildford Borough Local Plan (2003) requiring the scale, siting and impact of development to respect local context. Similarly, there would not be conflict with the design provisions of Chapter 12 to the Framework.

Other considerations

13. Paragraph 143 of the Framework states "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". The appellant has referred to a theft at the site and the need for secure storage for machinery to maintain the woodland. This is a relevant consideration, but reference has also been made to other possible security measures, such as bollards and anchor points which would be relatively small. A justification for the size of the building proposed has not been provided. This benefit therefore attracts only limited weight.
14. The provision of a biomass boiler and pellet store would be commendable in relation to sustainability objectives. It would not be practicable to store pellets in the house in quantities commensurate with optimum delivery arrangements, so an outside store may be necessary. But the proposed store would form a small part to a much larger development. This issue therefore also attracts only limited weight in favour of the proposal.
15. The similarity between the proposal and the approved building of similar size on the neighbouring site is a point in favour in relation to the character of the area. It does not set a precedent for the replication of such buildings in the Green Belt where there is an objective to limit the size and number of new buildings. The circumstances for the approval of the neighbouring development are not before me. Also, it would have been approved under a different policy regime. This consideration therefore only attracts limited weight.
16. The appellant contends that the proposal would be permitted development for an outbuilding had allowances not been removed by a planning condition to the permission to convert the barn to a dwelling. Planning Practice Guidance states that permitted development rights should only be withdrawn in exceptional circumstances. They have not been withdrawn for Green Belt sites in the General Permitted Development Order. Moreover, the curtilage of the dwelling is extensive; reasonable storage for maintenance arrangements commensurate with its size would be likely to exceed those for more conventional dwellings. But it is difficult to attribute weight to the non-existence of an allowance, particularly when the reason for imposition of the planning condition has not been set out or examined.

Conclusion

17. The proposal would not have a detrimental effect on the rural character of the area. But it would amount to inappropriate development in the Green Belt. It would not preserve the openness of the Green Belt. Paragraph 144 of the Framework states that, "*substantial weight is given to any harm to the Green Belt*". I have attributed only limited weight in favour of the proposal to the various considerations raised by the appellant. The proposal's benefits would not clearly outweigh the substantial harm to the Green Belt. Very special circumstances therefore do not exist. There would also be conflict with Policy P2 of the LPSS and with the Green Belt provisions of the Framework. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR