



Appeal Decision

Site Visit made on 23 March 2021

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/R3650/W/20/3261550

The Arbuthnot Hall, The Green, Shamley Green, Guildford, GU5 0UA

- 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 T Hodgson, The Committee of the Arbuthnot Hall against the decision of Waverley Borough Council.
 - The application Ref WA/2019/2023, dated 29 November 2019, was refused by notice dated 3 August 2020.
 - The development proposed is demolition of existing Hall with a new 2 storey Replacement Hall.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt and the purposes for including land within it; and, if it is inappropriate development 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 in the Green Belt

3. The site is within the Metropolitan Green Belt. The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. Policy RE2 of the Waverley Borough Local Plan Part 1 Strategic Policies and Sites 2018 (the LP) seeks to protect the Green Belt against inappropriate development in accordance with the National Planning Policy Framework (the Framework). The latter explains that the construction of a new building in the Green Belt should be regarded as inappropriate unless it falls within the exceptions listed in Paragraph 145. There are two relevant exceptions and I will consider these in turn.
4. The appeal site is within the village of Shamley Green which is washed over by the Green Belt. There are houses on two sides and open Greens to one side and across the adjoining Hullbrook Lane. Arbuthnot Hall is used as a community facility for leisure, recreational and educational purposes including by the cricket club. The proposed Replacement Hall would be in the same use.
5. Paragraph 145(d) of the Framework provides for the replacement of a building provided that the new building is in the same use and is not materially larger

than the one it replaces. Policy RD2A of the Waverley Borough Council Local Plan 2002 (Saved Policy RD2A) provides for the replacement of a dwelling that is not materially greater than the dwelling it replaces taking account of floorspace, form, bulk, and height. The LP significantly pre-dates the guidance in the Framework. Policy RD2A is inconsistent with the Framework in referring to the replacement of dwellings whereas the Framework refers to the replacement of a building and as there are different tests for whether a replacement would amount to an exception for Green Belt controls. Accordingly Policy RE2 of the LP and the Framework carry more policy weight in the context of this appeal.

6. Policy RE2 of the LP and the Framework do not define materially larger. The supporting text to Saved Policy RD2A indicates that an increase in floor space for dwellings of more than 10% is likely to be regarded as materially larger. I consider this guideline is indicative of the Council's stance as regards to replacement buildings in the Green Belt.
7. The Council calculates the proposal would increase the floorspace by some 14% and this figure has not been disputed. This alone would not be determinative. The Replacement Hall would have a ridge height of some 8.335m over a depth of some 1.8m towards the front with crown roofs of some 7.5m and 5.1m respectively behind. This compares to a maximum ridge height of some 7.1m across part of the existing building with hipped roof and flat roofs at much lower heights. The proposal would result in a significant increase in height, form and bulk. This would be particularly so towards the front of the building where the single storey flat roof extension and the higher hipped roof would be replaced by a two storey building with higher eaves and ridge plus the spiral staircase and balcony. The Design and Access Statement says there would be an increase in GEA of 116%.
8. Taking all the above into account I conclude the proposed Replacement Hall would be materially larger than the Hall it would replace. Accordingly the proposal would not be an exception under Paragraph 145(d).
9. The proposal would occupy a similar footprint to the existing building. Due in particular to the greater form, height, and bulk of the proposed building above ground floor level I consider the proposal would have a greater impact on the openness of the Green Belt than the existing building. Accordingly it would not amount to an exception under Paragraph 145(g) as redevelopment of previously developed land.
10. Based on the specific site circumstances I therefore conclude that the proposed development would not benefit from the exceptions listed in Paragraph 145 of the Framework. It would be inappropriate development in the Green Belt.

Effect on openness

11. Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development, whether or not prominent from a public viewpoint. The Hall is visible from Hullbrook Lane and the adjacent Greens which are flat and relatively open other than the mature Jubilee trees between the Hall and Hullmead. Due to the height and bulk of the Replacement Hall and, particularly as much of the increased bulk would be at the front of the building, the openness of the Green Belt would be reduced to some degree. Although in isolation the loss of openness would be limited, nonetheless, there

would be harm, albeit relatively minor, arising from this, in addition to that arising from the inappropriate nature of the development.

Other considerations

12. There would be public benefits arising from the provision of modern, purpose built, accessible, well-equipped facilities that would be more flexible, be more lettable, would provide for future generations and would assist social distancing measures in relation to the Covid-19 pandemic. The Replacement Hall would be able to accommodate larger and/or multiple events, provide proper changing rooms and showers and cater for the increased population in the village. These would be positive benefits in favour of the scheme. However the weight given to them is moderate because of the lack of detailed evidence as to the need/demand for such facilities. Moreover, whilst there is some support for a Replacement Hall there is also support for refurbishment of the existing Hall and concern that increased space would harm other community facilities by reducing demand for them.
13. The proposed building would be of unique and interesting appearance that would create a sense of place in the village. This is a public benefit but is tempered by the fact that the original Hall also achieves this albeit currently obscured to some extent by unsympathetic extensions. The proposal would make effective use of land in accordance with the principles of the Framework. The Replacement Hall could be constructed in a sustainable manner with improved energy efficiency and acoustic insulation. However, these benefits are to be expected of any new development and need to be balanced by the wastage of the existing building. I give these matters some weight in favour of the proposal.
14. The Hall is in need of repairs and maintenance including to address damp, flat roofs past the end of their expected life and rain ingress. The appellant indicates that renovating/repairing/altering the existing building would not be financially viable and that replacement is the best option although no financial details have been provided. The evidence indicates that there may be alternative ways in which the Hall could be re-furbished with a more acceptable effect on the heritage asset. Overall, in the absence of more detailed evidence regarding the viability of alternatives to the total loss of the Hall and of the current proposals I give the matter of need for repairs and maintenance relatively little weight in favour of the proposal.
15. There is a danger that if not renovated or replaced the Hall would be left empty and deteriorate further and I give this matter some weight in favour of the proposal. Third Parties indicate that proper maintenance has not been carried out. However, the evidence does not clearly demonstrate deliberate neglect or damage as envisaged in the Framework to the extent that the deteriorated state of the asset should be disregarded.
16. It appears that the Hall has been subject to vandalism and damage by cricket balls and debris from the nearby Jubilee trees. However, this could also occur to the Replacement Hall and so is a neutral factor for this appeal.
17. There would be no harm to the Ancient Woodland 500m Buffer Zone, the Jubilee trees, ecological interests, or any rights of way. Due to the distances between buildings and window arrangements there would be no unacceptable impact on the living conditions of occupiers of neighbouring properties. The

Highway Authority raises no objections in respect of additional traffic generation access and parking arrangements. Whilst I acknowledge the concerns raised by third Parties, I find no compelling reason to reach a different conclusion. However, lack of harm in these respects is to be expected from any new development and is of neutral weight in this appeal.

18. Arbuthnot Hall is a non-designated heritage asset. This is because of its architectural and historic/communal interest having been designed by Charles Harrison Townsend, a notable player in the arts and crafts movement, and being founded as a gift to the village by Lady Elinor Arbuthnot. It is situated prominently adjacent to the village Green making it literally and metaphorically at the heart of the village community. It is an example of one of Townsend's small scale simple designs which are often overshadowed by his more famous public buildings.
19. The core of the original building survives but it has been extended in an ad-hoc often unsympathetic manner. Accordingly from external viewpoints appreciation of any architectural interest is restricted although some key features such as the half timbering, low eaves and distinctive dormer windows are visible. Internally more of its features can be appreciated and there is also a war memorial plaque in a prominent position in the Hall.
20. Paragraph 197 of the Framework says that the effect of a proposal on an undesignated heritage asset should be taken into account and that a balanced judgement is required having regard to the scale of harm or loss and the significance of such a heritage asset. The proposal would result in the total loss of the asset and its architectural and historic/communal interest contrary to the objective of the Village Design Statement for Womersley, Blackheath and Shamley Green to conserve and protect historic buildings. I give this matter substantial weight.
21. The site is within the Shamley Green Conservation Area (the CA). The character of the CA derives from its ribbon style of development along the edge of a Green with houses facing inwards and the openness within the settlement and between houses. Replacing the unsympathetic extensions with a more contemporary design which picks up some local features and would create a sense of place is balanced by the loss of the original Hall. Overall I conclude that there would be a neutral effect on the character and appearance of the CA as a whole.

Other Matters

22. This proposal is a revision to a previous refusal of permission for a larger building. However, this in itself is not a reason for allowing an otherwise unacceptable proposal.

Planning Balance and Conclusion

23. The appeal proposal would be inappropriate development in the Green Belt. By definition therefore, it would be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt, albeit to a relatively minor degree. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

24. As set out above there would clearly be benefits arising from the proposal. However, there would be irretrievable harm arising from the loss of a non-designated heritage asset. The evidence I have seen does not sufficiently justify this. I conclude that, even when taken together, the other considerations as set out above do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policy RE2 of the LP.
25. In conflicting with Policy RE2 of the LP the proposal cannot comply with the development plan as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

S Harley

INSPECTOR