



Appeal Decision

Site visit made on 7 April 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/R3650/D/20/3263323

Duck House, Gate Street, Bramley, Guildford, GU5 0LR

- 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 Yeoman against the decision of Waverley Borough Council.
 - The application Ref: WA/2020/0953 dated 17 June 2020, was refused by notice dated 15 September 2020.
 - The development proposed is erection of detached garage as an alternative to that permitted under reference WA/2017/2289.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached garage as an alternative to that permitted under reference: WA/2018/1676 at Duck House, Gate Street, Bramley, Guildford, GU5 0LR in accordance with the terms of the application, Ref: WA/2020/0953 dated 17 June 2020, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 1647-P-011 Rev A; 1647-P-012 Rev A; 1647-P-013 Rev A; 1647-P-331 Rev A and 1647-P-131 Rev A.
 - 3) The materials to be used in the construction of the garage hereby permitted shall accord with the approved plans and the details set out on the application forms.
 - 4) The garage hereby permitted shall be used for purposes incidental to the residential occupation of the dwelling, Duck House, and not for any trade or business.
 - 5) The development hereby permitted shall not be exercised or implemented in addition to or in combination with the development already granted permission by the Local Planning Authority under application references WA/2018/1676 and/or WA/2020/1568.

Preliminary Matters

2. In referring to the proposed garage as being an alternative to a permitted garage, the description of development refers to the application reference of

WA/2017/2289. However, this refers to the permission for the replacement dwelling and I understand that the correct reference for the permitted garage is WA/2018/1676. I have used the correct reference in the decision above.

3. The Council has submitted a decision notice under its reference: WA/2020/1568 dated 14 December 2020 relating to a permission for a detached garage, as an alternative to the proposal before me. I have no additional information but note that the Council has requested that if permission were to be granted for the proposal before me, a condition should be imposed requiring that neither of the two permitted garages be built in addition to the proposal before me. I have not received any information from the Appellant to counter this position.
4. The Council referred in its appeal questionnaire to another appeal at the property, seeking to remove a condition on a permission WA/2020/0291 (extensions and alterations at the property) which removed permitted development rights. The decision allowing the appeal and deleting the relevant condition under Reference: APP/R3650/W/20/3256687 has been provided to me. I have offered the Appellants and the Council the opportunity to comment on any matters of relevance from that appeal decision to the appeal before me, but no comments have been received.

Main Issues

5. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - b) Its effect on openness and on the character and appearance of the local area, with particular regard to its location within an Area of Outstanding Natural Beauty and Area of Great Landscape Value;
 - c) Its effect on the setting of the adjacent listed building, Keeper's Cottage;
 - d) Other considerations; and
 - e) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Issue a) Whether inappropriate development

6. The appeal property is a recently constructed dwelling with extensions within a large site and within a rural location at the end of a narrow lane which is also a public bridleway. The site is within the Green Belt and also within an Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).
7. The application proposes a detached three bay garage/ car port with two enclosed bays and a third open bay. It would be sited close to the boundary with the adjacent property at Keeper's Cottage and close to the entrance to the site.

8. Permission was granted by the Council under its Reference WA/2018/1676 for a two bay garage building which would be sited further into the site and to the south of the main dwelling. That permission has not to date been implemented and the Appellants have indicated that the proposal the subject of this appeal would be an alternative to the permitted scheme.
9. The National Planning Policy Framework (Framework) sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraphs 145 and 146 set out the limited number of developments which are not considered inappropriate. Policy RE2 of the Council's Local Plan (Part 1) 2018 (Local Plan 2018) indicates that national green belt policies will be applied to development proposals in the Green Belt.
10. The Council has contended that the proposal would not fall within any of the of the specified exceptions set out within the Framework, under paragraphs 145 and 146. The Appellants have not sought to counter this view. As an outbuilding within a residential curtilage, there could be arguments in support of the proposal falling within the scope of Paragraph 145 c). However, such arguments have not been presented together with the necessary detailed information to enable me to consider that further.
11. As a result, and in the particular circumstances of this case, I agree with the Council and conclude that the proposal would fall to be considered as inappropriate development within the Green Belt for the purposes of the Framework as well as Policy RE2 of the Local Plan 2018.

Issue b) Effect on Openness and Character and Appearance

12. The additional development, by introducing further built form on the site, would have some limited impact on the openness of the Green Belt. This would add to some further limited harm to the harm I have already concluded.
13. The proposal would be appropriately designed with suitable materials to reflect its rural location. It would be within the curtilage of a residential site and in close proximity to other buildings, and as a result I am satisfied that there would be no harm to the local landscape character. Furthermore, for the reasons set out above, it would not harm but conserve the landscape and scenic beauty of the AONB and AGLV. There would be no conflict with Policy TD1 and RE3 of the Local Plan 2018, Policies D1 and D4 of the Local Plan 2002 and the Framework, with particular regard to Section 15 in this regard. The Council also raised no concerns in these regards. No further harm is raised in this respect.

Issue c) Setting of Listed Building

14. Keeper's Cottage to the south of the appeal site is listed Grade II. Its significance primarily relates to it being an attractive example of a timber framed cottage. Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

15. There is an existing and recently constructed outbuilding on the site of Keeper's Cottage, between the main dwelling and the boundary with the appeal site. The proposal before me would be of modest scale and appropriate design for its rural setting, including the proposed selection of materials. Given its proposed distance to the listed building and as it would be set at a lower level, with the outbuilding to Keeper's Cottage between the proposal before me and the main dwelling, I am satisfied that it would not harm the significance of the listed building and would also preserve its setting.
16. There would be no conflict with the Policy HA1 of the Local Plan 2018 and Policies HE3 and HE5 of the Local Plan 2002 as well as the Framework and in particular Section 16, all of which seek to preserve the setting of listed buildings and their significance. The Council also raised no concern in this regard. No further harm is raised in this respect.

Section d) Other Considerations

17. The Framework indicates at paragraph 144 that substantial weight should be attached to any harm to the Green Belt. Very special circumstances to justify such development 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. I now turn to the other considerations in support of the development which have been put forward.
18. Permission already exists for a two bay garage on the site and this proposal would be in place of that extant permission. Although larger than the permitted garage and closer to the frontage, I do not consider that the increased scale of the garage would be material in terms of its impact on Green Belt openness. As an alternative to an already permitted structure, not yet implemented, this carries weight in support of the proposal.
19. Furthermore, I consider that the proposed garage in terms of its siting, would have a significantly lesser impact on the openness of the Green Belt and the landscape character of the local area than the permitted garage. The proposal before me would be sited close to the boundary with Keeper's Cottage and set at a lower level but close to the existing outbuilding on that site. It would therefore appear within an existing cluster of buildings. By comparison, the permitted garage would appear as a separate building further into the appeal site and with open spacing all around it. I consider that the proposed siting would therefore be a significantly improved position in terms of reducing the impact on Green Belt openness and this adds compelling weight in favour of the proposal.
20. The Appellants has also contended that an alternative development could be constructed under permitted development rights although it is not clear what development is proposed. Given that the permitted development rights exist, there is nothing before me to confirm that another outbuilding would not be erected at some point in the future. This limits the weight I can place on this argument in support of the proposal.
21. The additional bay is proposed to accommodate plant for an air source heat pump in the future. Whilst renewable energy sources are supported, there is no information before me to confirm that this would happen and that the accommodation proposed would be required and would be suitable for the

proposed use. This limits the weight I can add to this argument in support of the proposal.

22. However, I do agree with the Appellants that the provision of secure storage facilities for vehicles and other domestic equipment is appropriate within the site. This would also appear to be recognised by the Council in the granting of alternative permissions for a garage. It would also accord with Policy D4 of the Local Plan 2002 and in particular criterion h. This adds further weight in support of the proposals.

Issue e) Balancing of Considerations and whether very special circumstances exist.

23. I have already found that substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposed development and further limited weight is added from the impact on openness. Against this harm must be weighed the considerations relating to the existing permission, as addressed above. In particular, the siting of the garage already permitted would in my view have a significantly greater impact on the openness of the Green Belt. I find that, taken all together, these other considerations are compelling and clearly outweigh the harm to the Green Belt by way of inappropriateness and all other harm. For these reasons, and considering the case as a whole, I am satisfied that the very special circumstances necessary to justify inappropriate development exist and justify my decision to allow the appeal.

Conditions and Conclusion

24. In terms of conditions, the materials as specified on the application forms should be used to in the interests of protecting the character and appearance of the local area as well as the setting of the listed building. A condition should be imposed to list the approved plans for the avoidance of doubt and in the interests of proper planning.
25. I agree that a condition should be imposed to prevent either of the existing approved garages being built as well as the proposed garage to accord with the terms of the application and to protect the openness of the Green Belt. I shall also impose a condition to limit the use of the garage to purposes incidental to the residential occupation to accord with the terms of the application.
26. The Council has sought the removal of permitted development rights for outbuildings. Whilst the recent appeal at the property related to permitted development rights relating to extensions and alterations to the property itself, I agree with the findings of that Inspector in terms of the reasons for not withdrawing such rights.
27. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR