



Appeal Decision

Site Visit made on 26 July 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/Y3615/W/21/3267542

High Barn Bungalow, High Barn Road, Effingham KT24 5PS

- 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 Mrs Elizabeth Jackson against the decision of Guildford Borough Council.
 - The application Ref 20/P/01226, dated 20 July 2020, was refused by notice dated 21 December 2020.
 - The development proposed is erection of stable block with integral haybarn and tractor store following demolition of existing stable block, haybarn and storage to the rear and its associated hard surfaces.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published, which replaced the February 2019 version. The parties were provided with an opportunity to comment on its relevance to this appeal. I have had regard to the 2021 version of the Framework in my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the character and appearance of the area, including the settings of the Surrey Hills Area of Outstanding Natural Beauty and the Area of Great Landscape Value; and
 - If the proposal would be inappropriate development, whether the harm 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 it.

Reasons

Whether Inappropriate Development

4. Subject to a closed list of exceptions, the Framework establishes that the construction of new buildings within the Green Belt is inappropriate. Paragraph 149 c) relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original

building. However, the appeal proposal relates to the erection of a new stable block. This exception is not therefore applicable.

5. Paragraph 149 d) relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This principle is reflected in Policy P2 of the Local Plan¹ which references the list of exceptions identified by the Framework, and in Policy ENP-G1 of the Neighbourhood Plan² which provides that, amongst other things, development proposals located outside the Settlement Area, and not on the sites allocated or assessed as suitable for residential development, will be required to demonstrate that they are not inappropriate within the Green Belt.
6. Although the proposal would remove the need for the existing L-shaped driveway, and it would bring the stables closer to the existing structures along the road, including the main dwelling, paragraph 149 d) and Policy P2 require an assessment of the proposal against the building to be replaced. In this regard, the Council have stated that the proposed replacement stable block would be of a greater width and depth than that of the existing, and that it would entail a floorspace uplift of approximately 50%. These facts have not been disputed by the appellant.
7. Therefore, although no specific value is provided in the Local Plan as to what footprint uplift might be acceptable or reasonable in the Green Belt, on the basis of these facts it is clear that the replacement building would be materially larger than the existing.
8. Paragraph 149 b) of the Framework relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As the proposal would entail the encroachment of built form into the countryside, it would conflict with paragraph 138 c) of the Framework, which relates to one of the purposes of including land within the Green Belt.
9. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
10. The proposed replacement stable block would be a large structure, which would be placed in a prominent position, adjacent to the road. As such, its bulk and massing would reduce the openness of the Green Belt in both visual and spatial terms. This impact would not be adequately offset by the new building line that would be created and the removal of the existing L-shaped driveway surface. Furthermore, due to its more prominent position and larger size, the new stable block would have a greater impact on the openness of the Green Belt than the existing stables. Although the impact to openness would be limited and localised, harm would result to the Green Belt.
11. With the above in mind, the proposal would constitute inappropriate development in the Green Belt for the purposes of the Framework and Policy P2

¹ Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (2019)

² Effingham Neighbourhood Plan 2016 – 2030 (2018)

of the Local Plan, and Policy ENP-G1 of the Neighbourhood Plan, to which the appeal scheme would be contrary. Inappropriate development is, by definition, harmful to the Green Belt. The proposed development would also, for the reasons I have given, reduce both the spatial and visual aspects of the Green Belt's openness.

Character and Appearance

12. The appeal site comprises a grassed paddock situated adjacent to a gravel accessway. High Barn Bungalow and its garden is located next to the accessway. The paddock adjoins a number of other parcels of land which are separated by timber posts and fencing. Although a farm complex is located opposite the appeal site, the lack of development at the site contributes positively to the largely open and spacious nature of the locality.
13. The proposed new stable block would be a substantially-sized structure which would be positioned in a prominent position, adjacent to the road. The widely-spaced trees and the timber posts and fencing along the site's eastern boundary would not effectively screen its long eastern elevation, which would be highly visible from the road. Hence, the open and spacious nature of the locality would be significantly reduced by the proposal.
14. The site is within the setting of the Surrey Hills Area of Outstanding Natural Beauty (AONB). The field to the front of the site contributes to the setting of the AONB by virtue of its undeveloped and green nature. I have had regard to paragraph 176 of the Framework, which provides that, amongst other things, development within the setting of designated areas should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
15. However, due to the scale of the proposal the harmful impacts identified above would be confined to the local area, and it would have a neutral effect on the wider landscape. Hence, the landscape and scenic beauty of the AONB would be conserved and the proposal would not conflict with paragraph 176 of the Framework in this respect. For the same reasons, the setting of the Area of Great Landscape Value would not be materially affected. However, this would not reduce the harm already identified in relation to the character and appearance of the area.
16. Therefore, I find that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. It would conflict with Policy D1 of the Local Plan, which provides that, amongst other things, all new developments will be required to achieve high quality design that responds to the distinctive local character (including landscape character) of the area in which it is set, and with Policy ENP-G2 of the Neighbourhood Plan which provides that, amongst other things, all development proposals must maintain the character of the built environment by ensuring that the scale and height of new buildings are proportionate to their surroundings. It would also conflict with paragraph 130 of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Other Considerations

17. The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
18. The Council did not refuse the application on matters relating to the living conditions of neighbouring occupiers, nor on the effect on trees. However, these are neutral matters, which do not weigh in favour of the proposal.
19. In the context of the nearby stable block opposite White Lodge on Critten Lane, the appellant has referred to the possibility of applying for stabling at the appeal site but without seeking to demolish or remove the existing stable buildings. Be that as it may, the outcome of any such planning application would not be certain. Additionally, no evidence of such an application has been provided. Consequently, I am not persuaded that there is a greater than a theoretical possibility that this option would be exercised. As such, I give this matter limited weight.

Other Matters

20. I observed the stable block opposite White Lodge on Critten Lane. The Council state that the proposal complied with the Framework with respect to its impact on the openness of the Green Belt, including by reference to the scale, design and positioning of the proposed buildings. For the reasons given above, that would not be the case with the appeal proposal. Accordingly, this matter does not change my findings.

Conclusion

21. The proposal would be inappropriate development in the Green Belt and would result in a reduction in its openness. Further, the appeal scheme would conflict with the purposes of including land within the Green Belt for the reasons I have given. These matters carry substantial weight. Additionally, the proposal would give rise to harm to the character and appearance of the area. The harms would lead to conflict with the development plan in the terms I have set out. Taken together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
22. Having considered the development plan as a whole, the Framework, and all other relevant material considerations, the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR