



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: 27 September 2021

Appeal Ref: APP/Y3615/W/20/3263931

Highlands Farm, Chalk Lane, East Horsley, Leatherhead KT24 6TH

- 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 K Coetzee against the decision of Guildford Borough Council.
 - The application Ref 20/P/01283, dated 24 July 2020, was refused by notice dated 28 October 2020.
 - The development proposed is described as, "Replaced dwelling following demolition of existing dwelling".
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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, and I have taken the comments received into account in my determination of this appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; 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. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this, notably in paragraph 149 of the Framework. The relevant one to this proposal is d) which 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 Guildford borough Local Plan:

strategy and sites 2015 – 2034 (adopted 2019) (Local Plan) which references the list of exceptions identified by the Framework.

5. The appellant has referred to the scale of neighbouring properties and the proposal's relationship to those properties, the size of the plot and the size of the plots of neighbouring properties, that the proposed new dwelling would be set-back further from the road than the existing building, and the rationale for the design of the proposal. I acknowledge that the proposal would have a similar footprint to the existing dwelling (and would be lesser in width and length).
6. However, elements of the proposed building would be taller than at present, albeit to a limited extent. The proposal would also appear bulkier by virtue of the increase in internal floorspace proposed accommodated at first floor level. By virtue of the design and location of the proposal, whilst overall it would be similar to the existing building, it would nevertheless in certain respects be of greater dimensions.
7. Moreover the assessment of the proposal against the building to be replaced for the purposes of the Framework and Local Plan policy P2 is principally a question of actual physical size, rather than perceived size. In this regard, the Council have stated that the proposal would result in a substantial volumetric increase of approximately 51%, over-and-above that of the existing dwelling. This figure has not been disputed by the appellant.
8. The appellant has referred to an application at Hunters Hill, which according to the quote provided, involved an increase in volume from the previous dwelling of approximately 46.7%. Notwithstanding that is a lesser increase in overall size, there are no plans before me to provide a meaningful comparison between the two schemes (nor of any circumstances relevant to that approval). As such, this matter does not change my findings on this main issue.
9. Given my reasoning above, notwithstanding the approach taken to the design of the scheme, its location within its plot and its relationship to neighbouring properties, the proposal would be materially larger than the existing dwelling. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy P2 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

10. 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.
11. I have had regard to the extract provided from a previous appeal decision¹, and I recognise that the surrounding context is relevant when assessing the effect of a proposal on the openness of the Green Belt. In this respect, I note that the proposal would be set back further from the road than the existing dwelling, and it would not be readily visible. It would also sit within a large plot which is partially screened by mature trees and hedges and would be similar in scale to the immediately adjacent properties. Nevertheless, as the proposal would

¹ APP/Y3615/W/15/3066092

result in a building that would be physically larger than that which exists, most notably at first floor level, the openness of the Green Belt would be reduced in spatial terms, causing harm to the Green Belt. This would be in addition to the harm I have identified in regard to the first main issue.

12. The quote from the Officer's Report for Hunters Hill does not contain an assessment of the effect of that proposal on the openness of the Green Belt and therefore it does not change my findings.

Other considerations

13. 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.
14. I recognise that there have been no objections to the proposal from neighbours or other local residents, and that the Council did not refuse the application on matters relating to the design credentials of the proposal, its impact on the character and appearance of the area or on the living conditions of neighbouring occupiers or the future occupiers of the proposal, nor on grounds relating to protected species, biodiversity, or highway safety. However, even if I were to likewise reason that the proposal would be acceptable in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposal.
15. The proposal would use thermally efficient, eco-friendly and low carbon products, and in so doing would provide benefits in relation to energy efficiency and health and well-being. Collectively, I give these matters moderate weight, noting that they are not intrinsically reliant on the particular scheme before me.

Balancing of considerations

16. The proposal would be inappropriate development in the Green Belt and would result in the loss of its openness. These matters carry substantial weight. 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. Therefore, the proposal would not comply with the Green Belt aims of Policy P2 of the Local Plan, or the Framework, and consequently would be unacceptable.

Conclusion

17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR