



Appeal Decision

Site visit made on 13 December 2021

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2022

Appeal Ref: APP/Y3615/D/21/3280383

Binton Farm, Binton Farm House, Binton Lane, The Sands, Farnham GU10 1LQ

- 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 Jan de Walden against the decision of Guildford Borough Council.
 - The application Ref 21/P/00253, dated 9 February 2021, was refused by notice dated 15 July 2021.
 - The development proposed is proposed detached garage and alterations of existing driveway. Proposed extensions to existing dwelling and associated link and conversion of existing cart barn to accommodation.
-

Decision

1. The appeal is dismissed insofar as it relates to the detached garage.
2. The appeal is allowed insofar as it relates to the proposed extensions to the existing dwelling and associated link and conversion of existing cart barn to accommodation in accordance with the terms of the application, Ref 21/P/00253, dated 9 February 2021 so far as relevant to that part of the development hereby permitted and 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the construction of the existing buildings.
 - 3) The development hereby permitted shall be carried out in accordance with the mitigation methods outlined in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report completed by Darwin Ecology in February 2021.
 - 4) The development hereby permitted shall be carried out in accordance with the mitigation methods outlined in Bat Emergence/Re-entry Surveys and Mitigation Report compiled by Darwin Ecology in February 2021.
 - 5) The development hereby permitted shall be carried out in accordance with the following approved plans: -

Drawing No: - 2008(EX)05 Rev P1 – Site Location Plan;

Drawing Nos – Existing –

*2008 (EX)06 Rev P1; 2008 (EX)10 Rev P1; 2008 (EX)011 Rev P1;
2008 (EX)12 Rev P1; 2008 (EX)20 Rev P1; 2008 (EX)30 Rev P1; and
2008 (EX)31 Rev P1; and*

Drawing Nos – Proposed –

*2008 (PL)06 Rev P1; 2008 (PL)10 Rev P1; 2008 (PL)11 Rev P1; 2008
(PL)12 Rev P1; 2008 (PL)20 Rev P1; 2008 (PL)30 Rev P1; and 2008
(PL)31 Rev P1.*

Application for costs

3. An application for costs was made by Mr Jan de Walden against Guildford Borough Council. This application is the subject of a separate Decision.

Main Issues

4. I consider that the main issues are: -
- whether the proposal impacts on important habitats;
 - whether the proposal constitutes inappropriate development in the Green Belt and its effect on openness; and
 - where 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 the development.

Reasons

Habitats

5. Local Plan (2003)¹ Policy NE4 indicates that planning permission will not be granted for any development that would be liable to cause any demonstrable harm to a species of animal or plant, or its habitat, protected by British law unless conditions are attached requiring the developer to take steps to ensure their protection.
6. Whilst the Council indicate a shortfall in the information submitted with the planning application, it would seem that any outstanding matters relating to habitats or species protection could be addressed through appropriate conditions. This is considered further below.

Green Belt

Extensions / Conversion

7. The National Planning Policy Framework² explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is reflected in Local Plan (2019)³ Policy P2. The Framework makes it clear that the construction of new buildings is considered inappropriate unless it satisfies one of the exceptions

¹ Guildford Borough Local Plan 2003, Adopted January 2003.

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

³ Guildford Borough Local Plan: Strategy and Sites 2015 – 2034, Adopted 25 April 2019.

cited. Amongst other things these include extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Other forms of development also may not be inappropriate including the re-use of buildings provided that the building is of permanent and substantial construction.

8. I viewed the cart barn as part of my site visit and observed that it is a permanent structure that appears substantial. I have no evidence regarding its structural integrity but it would appear that Green Belt policy would allow its re-use as living accommodation. The Council has not raised any concerns about the details of the conversion and I also find the proposal acceptable in this respect.
9. Extensions to the house are proposed which amongst other things, include linking the converted cart barn to the house. The Framework does not provide a quantitative guide to define what is proportionate and what is not and so it is necessary to draw an assessment based on the character and style of a building bearing in mind that the Framework establishes that an important character of Green Belts is their openness.
10. The Council's assessment factors in the floorspace created by the converted cart barn as new floorspace to the dwelling. However, this is an existing building and its use is not a determinant in assessing disproportionate additions to buildings. Removing the cart barn from any calculation that assesses proportionate extensions therefore would mean that the proposed new floor space, including the new link between the house and the cart barn, would be relatively modest. In my view, whilst the converted barn would add floorspace to the house, the amount of newly created floorspace as opposed to converted space, would not represent disproportionate extensions and alterations to buildings in the Green Belt.
11. Turning to the openness of the Green Belt, the cart barn is already there and the proposed alterations and extensions to enable it to be converted and linked to the house together with the works to the house itself would not impact on the openness of the Green Belt.
12. On this basis I do not consider that the proposed extensions would amount to inappropriate development in the Green Belt and no conflict with the Framework or Policy P2 would arise in this respect.

Garage

13. The proposal includes a new detached garage which would not replace an existing building but would be a new building. The garage would be substantial in size providing space for two cars and a plant room together with accommodation in the roof space, indicated on the submitted plans as being an office. I consider that the garage would be inappropriate development in the Green Belt. The harm caused by inappropriateness carries substantial weight. The garage would be a substantial building located to the west of the house and whilst there are trees that would lessen its impact, it would nevertheless have an impact on the openness of the Green Belt. This adds weight against the proposed garage.

Other Considerations

14. In terms of the garage, the appellant explains that a garage could be built as permitted development. Although applications for Lawful Development Certificates⁴ seem to have been submitted and approved or part approved, part refused for extensions, alterations and conversion of the cart barn, from the information submitted, no application seems to have been made for the garage. The appellant quotes Class E of the General Permitted Development Order⁵ and has submitted a plan indicating where outbuildings could be erected⁶. However, the appellant accepts that the proposed garage would not be permitted development and would therefore require planning permission.
15. I acknowledge that planning legislation allows outbuildings without the need for planning permission but the appellant has not demonstrated that the suggested outbuildings would actually be permitted development, for example, from the information submitted, an application for a Lawful Development Certificate does not seem to have been sought. Furthermore, I am mindful that the appeal site is within an Area of Outstanding Natural Beauty (AONB) which places specific restrictions for Class E outbuildings. I am not convinced therefore that what could be built as permitted development or indeed what would likely be built in reality, provides adequate justification to overcome Green Belt policy. Therefore, this matter carries only modest weight.
16. I have also considered the access arrangement to Binton Farm House. There are currently two points of access to the appeal site but the appellant explains that one of these, to the east and north of the appeal site, will cease to be available for the occupiers of Binton Farmhouse. The location of the proposed garage would be better suited to the access shown in the red lined application site to the west of the house. I also note that the appellant states that siting the proposed garage has taken into account existing trees and seeks to ensure minimal impact. Whilst I appreciate the appellant's argument in this regard, I consider that these matters carry only modest weight.

Conditions

17. I have considered the suggested conditions in the light of the Planning Practice Guidance⁷ with regard to the parts of this application that relate to the conversion of the cart barn to accommodation and extensions and alterations to the house.
18. A condition requiring materials to match is necessary in the interests of a satisfactory appearance. It is also necessary to ensure that any necessary mitigation measures are carried out in connection with the works associated with the conversion of the cart barn and the proposed extensions in the interests of biodiversity and nature habitats. It is also necessary to impose a condition that ensures the approved works are carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

⁴ Ref: 21/P/01526; 21/P/01527; and 21/P/01528.

⁵ Town and Country Planning (General Permitted Development) (England) Order 2015. Schedule 2, Part 1, Class E.

⁶ Drawing No 2008(SK)01 Revision A.

⁷ Planning Practice Guidance. Published 6 March 2014, Updated 23 July 2019.

19. Conditions relating to trees and the hardstanding area are not applicable to the parts of the proposal that I find acceptable.

Conclusion

20. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances.
21. Whilst the potential to construct outbuildings under permitted development as compared with the proposed garage carries modest weight and taking into consideration the appellants access requirements, these considerations do not outweigh the substantial harm caused by inappropriateness and the effect on the openness of the Green Belt. I have also considered the habitat implications but given the substantial harm caused by inappropriateness, this has not influenced my decision.
22. With regard to the garage therefore, I conclude that it would be inappropriate development and very special circumstances do not exist to clearly outweigh the harm caused by inappropriate development in the Green Belt.
23. In considering the conversion of the cart barn and the proposed extensions and alterations, I do not find that they would constitute disproportionate additions over and above the size of the original buildings. I do not find that these works would harm the openness of the Green Belt and therefore this part of the proposal is acceptable. I consider that any habitat implications affecting this part of the proposal can adequately be dealt with by conditions. Subject to conditions, I find this part of the scheme acceptable.
24. I consider that the proposed garage and the conversion of the cart barn and extensions are severable, both elements being physically and functionally independent, I therefore proposed to issue a split decision.
25. For the reasons given above and having regard to all matters raised, I conclude that the appeal in relation to the detached garage and alterations to the existing driveway is dismissed but the proposed extensions to the existing dwelling and associated link and conversion of the existing cart barn to accommodation is allowed.

J D Clark

INSPECTOR