



Appeal Decision

Site visit made on 5 April 2022

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Appeal Ref: APP/D3640/D/21/3281744

Highgrove House, Bagshot Road, Chobham, Woking GU24 8DE

- 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 R Lowe against the decision of Surrey Heath Borough Council.
 - The application Ref 21/0408/FFU, dated 9 April 2021, was refused by notice dated 7 June 2021.
 - The development proposed is Detached Outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was refused planning permission the Government published the revised National Planning Policy Framework (2021) (the Framework) on 20 July 2021. The Council and appellant have had the opportunity to comment upon the implications of this for their cases.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt; and,
 - if the proposed development is inappropriate development, 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

Inappropriate development

4. The appeal site is located within the Green Belt. Paragraph 137 of the Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework

identifies the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to exceptions listed in paragraphs 149 and 150.

5. The appeal site comprises a detached two storey dwelling and garage on a sizeable plot, which was one of a development of five approved under a 2016 permission. Based upon the evidence before me, the erection of the dwelling and the occupation for residential is a new chapter in the planning history of the appeal site. It is the original building defined in Annex B of the Framework and the baseline against which this appeal proposal should be considered.
6. The Council's view is the development would be inappropriate development as it does not meet the exceptions listed in paragraphs 149 and 150 of the Framework. I am advised the appeal site lies outside the defined settlement boundary and it is not put to me the appeal site lies within a village. The proposed outbuilding would be sited to the rear of the garage, a significant distance from the main dwelling. Based upon the evidence before me in relation to this appeal, I am of the view this significant distance from the main dwelling means the development would be located too far away to constitute an extension to the existing building.
7. For the reasons set out above, I cannot conclude the development meets any of the exceptions in paragraph 149 and 150 Framework. Therefore, it would be inappropriate development in the Green Belt in conflict with the aims of paragraph 147 of the Framework, insofar as this states inappropriate development is by definition harmful and seeks to resist it.

Openness

8. The appeal proposal would extend built development further rear of the existing dwelling and garage into what is currently relatively open lawned rear garden space, where there is currently not a building. Therefore, given its size and scale it would have a limited adverse effect upon the spatial openness of the Green Belt. The fencing, existing appeal site and other buildings nearby, and mature trees, limit the wider visibility of the development. However, it would still have some visibility from and between some neighbouring properties, resulting in a limited adverse effect upon visual openness.
9. Given the adverse effect upon the openness of the Green Belt, even if it were put to me the proposal could be considered to be limited infilling or the partial or complete redevelopment of previously developed land under paragraph 149g), the development would have a greater impact on the openness of the Green Belt than the existing development. Therefore, it would not meet this exception.
10. For the reasons set out above the development would be harmful to the openness of the Green Belt. Therefore, it conflicts with the aims of paragraph 137 of the Framework insofar as it seeks to keep land permanently open.

Other considerations

11. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is clear that substantial weight should be given to any identified harm to the Green Belt.

12. The layout of the dwelling and garage has not been provided, and the absence of sufficient room for either an office/workspace or fitness room has not been demonstrated. Therefore, this matter attracts little weight. Based upon the evidence before me, the 2016 planning permission has been implemented and built-out on the appeal site. Therefore, considering this proposal against the historic use, the scale of the approved constructed wider development as a whole, or individual larger dwellings within it, attracts little weight.
13. There is little detail provided of the approval of the 2016 scheme. Based upon this I cannot conclude it was unreasonable for the Council to remove permitted development rights for the appeal site dwelling. Therefore, that this proposal essentially might meet the requirements of Class E of Part 1 of Schedule 2 attracts limited weight. Not conflicting with the purposes of including land within the Green Belt and not being disproportionate in relation to the host dwelling and plot, does not mitigate the harm to openness.
14. The Council does not raise an objection in respect of the effect upon the living conditions of neighbouring occupiers, upon access and parking, or the character and appearance of the area. Based upon the evidence before me, I see no reason to disagree and compliance of this development with Policies DM9 and DM11 of the Surrey Heath Core Strategy & Development Management Policies (2012), the objectives of the Residential Design Guide Supplementary Planning Document (2017), and paragraphs 126 and 130 of the Framework in respect of these matters, are neutral matters in the balance.

Green Belt Balance & Conclusion

15. The factors and benefits set out by the appellant would not clearly outweigh the harm identified to the Green Belt, which carries substantial weight, so as to amount to the very special circumstances necessary to justify the proposal. Therefore, the proposal conflicts with the Framework in this regard.
16. The proposed development is compliant with the development plan read as a whole. However, it conflicts with Green Belt policies of the National Planning Policy Framework. This is such that it constitutes a material consideration that significantly outweighs the compliance with the development plan. Therefore, this decision should be made other than in accordance with the development plan. Accordingly, for the reasons given the appeal should not succeed.

Dan Szymanski

INSPECTOR