



Appeal Decision

Site visit made on 5 April 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/D3640/W/21/3277168

Bourneside, Bagshot Road, Chobham, Woking, Surrey GU24 8SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Michael Couzens against the decision of Surrey Heath Borough Council.
 - The application Ref 21/0304/FFU, dated 4 March 2021, was approved on 2 June 2021 and planning permission was granted subject to conditions.
 - The development permitted is Conversion of existing garage/storage building including a first floor flat to a three-bedroom dwelling including erection of rear extension following demolition of existing swimming pool and enclosure building, summer house and games room outbuilding.
 - The condition in dispute is No 8 which states that:
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no extensions to the dwelling hereby approved or additions to the roof shall be erected under Schedule 2, Part 1, Class A or Class B of that Order; and no buildings, enclosures, pools or containers incidental to the enjoyment of a dwelling house shall be erected under Schedule 2, Part 1, Class E of that order; without the prior approval in writing of the Local Planning Authority.
 - The reasons given for the condition is:
To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of maintaining the openness of the Green Belt and to accord with Policies CP1, DM1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged the Government published the revised National Planning Policy Framework (2021) (the Framework) on 20 July 2021. The Council and the appellant have had the opportunity to comment upon the implications of this for their cases.
3. The reason for the condition does not specifically refer to the effect upon the setting or significance of heritage assets. However, special regard should be given to the desirability of preserving the setting of Listed Buildings as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCAA). The views of the Council's heritage adviser and the effect upon heritage assets is referred to in the Council's delegated reports for

this and previous proposals, and the Council's appeal statement. The appellant has had the chance to respond to this matter and the statutory duties through the appeal process, so would not be prejudiced.

Main Issues

4. The main issues are:

- whether or not the proposed development would be inappropriate development in the Green Belt;
- the effect of the proposed development upon the setting and significance of Bourneside as a Grade II Listed Building; and,
- whether condition 8 is reasonable and necessary.

Reasons

Green Belt

5. The appeal site is located within the Green Belt. In combination Policies CP1 and DM1 of the Surrey Heath Core Strategy and Development Management Policies (2012) (the CS) aim to maintain the extent of the Green Belt and ensure development does not conflict with its objectives. 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. The appellant is of the view the proposal can meet a number of the exceptions.
6. The appeal site benefits from permissions for outline and reserved matters approval for its subdivision and the alteration and conversion of the existing building to a two bedroom dwelling (including the demolition of a swimming pool and enclosure building). A subsequent permission permitted conversion and alterations, but with a rear extension (including the demolition of a swimming pool and enclosure building, summerhouse and games room outbuilding). At my visit no extension had been erected, although I am informed this permission has been implemented.
7. This appeal proposal is similar to that previously approved but (amongst other things) with a different rear extension, half-hipped roof forms, and increased first floor floorspace and volume. The approximately 42% increase in footprint, and larger volume, is a disproportionate addition over and above the size of the existing building. Therefore, it would not meet the exception of paragraph 149c). This is consistent with the view of the Council's officer in the delegated report. Despite this, in the Council's report it stated that given reductions in volume and footprint from removing other buildings, the development would not be inappropriate. However, paragraph 149c) relates to extensions only.
8. Paragraph 149d) of the Framework states one exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. It does not exclude more than one building, provided they can sensibly be considered together in comparison with what is proposed to replace them.

9. Compared to the existing site situation, there would be an increased intensity of use of the site given the subdivision and increase in bedrooms. However, this proposed development would replace buildings in an existing C3 use, with an extension in a C3 use, securing a net reduction of approximately 267m³ in volume and an approximately 148.1 sqm reduction in the footprint of buildings. Therefore, compared to the existing site situation, I see no reason why the development does not meet the exception in paragraph 149d), and so would not be inappropriate development.
10. For the reasons set out above, the proposed development would not be inappropriate development. Therefore, it is compliant with the aims of Policies CP1 and DM1 of the CS insofar as these seek to ensure development does not conflict with Green Belt objectives. It would also not conflict with paragraph 137 of the Framework which identifies the fundamental aim of Green Belt policy as being to prevent urban sprawl by keeping land permanently open.

Heritage Asset

11. Paragraph 199 of the Framework requires that when considering the impact upon the significance of a heritage asset great weight should be given to its conservation. Harm to the significance of a designated heritage asset can derive from development within its setting (paragraph 195). Where a proposal would lead to less than substantial harm to significance, the harm should be weighed against the public benefits of the proposal (paragraph 202).
12. The appeal site is part of the plot of and lies within the setting of the Grade II Listed Bourneside. Bourneside derives its significance from its special architectural and historic qualities and features of both the original building and its evolution over time through later extensions set within a wide generous plot. The features include a part-exposed timber frame, whitewashed render cladding, plain tiled half hipped roof over an extension, three gabled through eaves dormers, casements across ground floor, six panelled door, gabled open porch, and large glazing bar sash windows within the western extension.
13. The mature boundary vegetation means the setting of Bourneside is somewhat restricted outside of its current plot to views of the roof and the building at and over gate entrances. The appeal site is within its curtilage and setting, although to the rear there is a degree of separation because of the pool housing and vegetation. The setting, including the appeal site contributes to its significance as part of the sizeable wide and verdantly landscaped grounds in which the emanant building can be viewed, appreciated, and seen in the context of, including of smaller ancillary buildings.
14. This appeal development would result in the visual severance of the historic grounds and the relationship with existing ancillary outbuildings, which would assume a permanence. To the front the development would further enclose the pleasant wide open driveway setting and plot in which it is appreciated. The extension would result in increased bulk and massing of the existing building reducing its appearance as a subordinate ancillary building. Were I to compare it to the previously approved scheme, given the increase in scale and volume of this development, there would be a limited increase in the harm.
15. The pool, enclosure and the games room are of limited visual merit and their loss would not be harmful. The development would also result in the loss of the summerhouse, of which the brick built element is a relatively pleasant

ancillary garden building, contributing to significance. Appropriate landscaping may mitigate the harm to a limited degree, but would not fully overcome the harm. Therefore, the proposed development would not preserve and would result in harm to the setting and significance of the listed building. The harm would be less than substantial harm.

16. The Council's officer does not necessarily agree with the heritage adviser's concerns of the harm from the development, and while it is not referenced in the reason for the condition, having regard to my duties under section 66(1) of the LBCAA I am duty bound to have regard to this matter.
17. For the reasons set out above, the proposed development would result in harm to the setting and significance of Borneside as a Grade II Listed Building. It would conflict with the aims of section 66(1) of the LBCAA, and the aims of Policy DM9 of the CS insofar as this requires development respects and enhances the historic character of the environment.
18. The Framework requires when considering the impact upon the significance of a heritage asset great weight should be given to its conservation, and any harm should be weighed against the public benefits of the proposal. This development would result in a small temporary economic benefit during the construction works and once built some minor sustained benefit to the local economy. It would optimise the use of the site by providing a single family sized dwelling contributing to the supply of housing, which would be a small benefit. The approved subdivision of the plot and extension is not a benefit of this proposal, so does not weigh in favour of the scheme. However, comparing the benefits of this scheme to that one, there would be very minor economic and social benefits related to the construction and increases in internal space.
19. The development would result in an overall minor beneficial effect to character and appearance. Compliance with policies in respect of matters such as the living conditions of future and neighbouring occupiers, surface water drainage, resource and energy efficiency, and highways and access matters, are neutral matters. Mitigating harm to the Thames Basin Heaths Special Protection Area through the Community Infrastructure Levy (towards a Suitable Alternative Natural Greenspace) and payment securing Strategic Access Management & Monitoring measures, in compliance with Policy CP14 of the CS, is a neutral matter.
20. While there would not be any benefits to openness compared to the previously approved scheme, having regard to the existing site composition, given the scale and location of buildings to be removed, the development would result in an overall moderately beneficial effect upon visual and spatial openness of the Green Belt. Taking all the public benefits together, they on-balance outweigh the harm to the setting and significance of the heritage asset.

Condition 8

21. While it does not result in a blanket removal of permitted development rights, removing condition 8 would have the potential to increase the volume of a detached dwelling and permit the erection of large outbuildings within the rear garden, as permitted by Classes A, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO). The condition does not require that no extensions or outbuildings are built, only that they go through the process of obtaining express planning

permission first, which allows the Council the opportunity to assess their effects.

22. The GPDO does not specifically restrict Part 1 rights in the Green Belt and does not require an assessment against inappropriateness. While some additions could be relatively modest, without condition 8, future occupiers would have the ability to undertake development that could reduce the beneficial effects of this development upon the openness of the Green Belt and the character and appearance of the area. These were benefits of this development that are sufficient to outweigh the harm to the setting and significance of the heritage asset. Therefore, any benefits could be significantly diminished.
23. Development under the withdrawn rights may also result in harmful effects to the setting of the heritage asset through cluttering and further enclosing the setting, impacting upon its significance. The effects of undertaking permitted development could be to the point that the new dwelling results in little benefit to the openness of the Green Belt, or character and appearance of the area, altering the heritage balance, resulting in the refusal of planning permission.
24. Therefore, without condition 8 the development would be likely to result in harmful effects to the Green Belt, its openness, and to the setting and significance of a designated heritage asset. Condition 8 secures benefits to the Green Belt which outweigh the harm to a heritage asset. Therefore, I consider there to be exceptional circumstances for the imposition of condition 8 in this instance providing the clear justification for the removal of the permitted development rights required by the Framework. Therefore, condition 8 meets the tests of being both reasonable and necessary.

Other Matters

25. The appellant has provided other appeal decisions¹ which it is put to me demonstrate that the planning condition is not reasonable or necessary. However, Refs 3261011, 3265112 and 3265691 are not within the Green Belt and based upon the evidence before me did not result in harmful effects upon the significance of a designated heritage asset. Ref 3242789 is within the Green Belt and the allowed appeal only deleted a condition in relation to Class A permitted development rights and it does not make any reference to needing to balance the harm to heritage assets. Decision Letter Ref. APP/X1925/W/20/3251426 referenced by the Council does not refer to the effect of the development upon heritage assets. Therefore, the details and circumstances in relation to the decision letters that have been provided to me, are not directly comparable to the circumstances of the appeal scheme before me, which I have considered on its own merits.

Conclusion

26. For the reasons set out above, the proposed development conflicts with the aims of Policy DM9 of the CS bringing the development into conflict with the development plan read as a whole. It also conflicts with the aims of section 66(1) of the LBCAA. However, condition 8 ensures the proposed development results in beneficial effects to openness having regard to Green Belt aims of Policies CP1 and DM1 of the CS and the Framework. It secures benefits to the proposed development in compliance with the heritage balance set out in the

¹ APP/H1515/W/19/3242789; APP/M2270/W/20/3265691; APP/U2235/W/20/3265112; APP/G5180/W/20/3261011.

Framework, that outweigh the conflict with the development plan taken as a whole, and the LBCAA. Without condition 8 these would not be secured. Therefore, for the reasons given, having regard to all the matters raised, the appeal should not succeed.

Dan Szymanski

INSPECTOR