
Appeal Decision

Site visit made on 29 June 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/Y3615/D/21/3287343

Norney Rough, Shackleford Road, Shackleford GU8 6AE

- 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 P Nelson against the decision of Guildford Borough Council.
 - The application Ref 21/P/00540, dated 12 March 2021, was refused by notice dated 15 November 2021.
 - The development proposed is the construction of an outdoor swimming pool together with an ancillary plant room and changing room building.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an outdoor swimming pool together with an ancillary plant room and changing room building at Norney Rough, Shackleford Road, Shackleford GU8 6AE in accordance with the terms of the application, Ref 21/P/00540, dated 12 March 2021, 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 development hereby permitted shall be carried out in accordance with the following approved plans: -
 - Location and Block Plan 16.310.112B
 - General Arrangement Drawing 16.310.301
 - 3) The external surfaces of the ancillary plant room and changing room building hereby permitted shall be constructed in the materials shown on plan number 16.310.301.

Main Issues

2. The main parties agree the outdoor swimming pool element of the proposal would constitute engineering operations and so is a form of development that is not inappropriate to the Green Belt, as set out in paragraph 150 of the National Planning Policy Framework 2021 (the Framework). The main issue is, therefore, whether or not the proposed plant room and changing room building (pool house) would be inappropriate development in the Green Belt.

Reasons

3. Shackleford is a loosely formed rural settlement constituting mainly large, detached properties within spacious plots set back from the road often enclosed with tall mature hedging. Norney Rough is one such property situated and to the rear and one side are other similar residential properties. On the other side,

over School Lane is St Mary's infant school, with the village hall and church beyond. To the front, over Shackleford Road, is a farm and open fields.

4. The appeal site is broadly central to the rear garden of Norney Rough and is surrounded by the main house, a detached 3 bay garage with first floor rooms above, an outside kitchen, a tennis court enclosed by fencing, as well as numerous other garden structures.
5. Paragraphs 149 and 150 of the Framework set out what is not considered inappropriate development in the Green Belt. The proposed pool house would constitute a new building which does not fall under paragraph 150. Policy P2 of the Guildford Borough Local Plan 2015-2034 (Local Plan) refers directly to paragraph 149 of the Framework and defines specific elements of the 7 exceptions to inappropriate new buildings in the Green Belt. Both the Framework and Local Plan Policy P2 do not specifically refer to residential outbuildings, of which the proposed pool house would be.
6. The Council, therefore, consider the proposed pool house to be inappropriate development within the Green Belt. The appellant refutes this position contesting that the pool house would fall under paragraph 149b) of the Framework, constituting the provision of appropriate facilities for outdoor sport and outdoor recreation. They have also submitted several decisions by the Council which support this position.
7. Neither Policy P2 nor the Framework state that in the context of paragraph 149b) the outdoor sport or recreation facility cannot be for private use. The proposed pool house would therefore constitute a new building which would provide appropriate facilities (changing room and plant room) for outdoor sport and outdoor recreation, the proposed swimming pool.
8. However, paragraph 149b) also requires that the proposed facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. The appeal site is within the domestic garden of Norney Rough surrounded by other ancillary buildings. Norney Rough is within the rural village setting of Shackleford and Shackleford Road provides a clear boundary between this part of the settlement and the more rural and open character beyond.
10. The proposed pool house would be screened from view by the existing garden structures at Norney Rough, as well as the mature boundary hedging. There would be potential of glimpsed views from upper floors of adjacent properties, but these would be within a backdrop of existing residential development and are not uninterrupted and open. As such I am satisfied that the proposal would not visually intrude into the openness of the Green Belt.
11. However, openness is not purely visual and has a spatial aspect. The proposal would be within an existing, albeit low density, settlement and would not encroach beyond a defensible and clearly defined edge of that development, Shackleford Road. Therefore, I am also satisfied that the proposal would not spatially intrude into the openness of the Green Belt.
12. The fundamental aim of Green Belt is to prevent urban sprawl. The location of the proposal within a rural settlement means it would not encroach into the wider countryside and so not contribute to urban sprawl nor the merging of separate settlements.

13. The proposed pool house would not therefore constitute inappropriate development in the Green Belt. It would comply with Local Plan Policy P2 and paragraphs 147 -149 of the Framework. Consequently, it is unnecessary to consider whether very special circumstances need be applied.

Other Matters

14. The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard and I am inclined to agree that due to the scale, design and siting of the proposed development within a contained residential curtilage, the special qualities of the AONB would not be adversely affected.
15. On the evidence in front of me, I am satisfied that the enforcement case relating to the outdoor kitchen / pergola has been concluded and this does not impact my above findings. In any event, said structure did not form part of the development for which planning permission is sought as part of this appeal.

Conditions

16. The Council has suggested 3 conditions which I have considered against advice in the Framework and Planning Practice Guidance. The conditions securing commencements within the relevant statutory timeframe and specifying the approved plans are necessary for certainty.
17. However, the condition requiring matching materials to the existing development is not relevant. This is because there is no existing development within the appeal site. The reason for such a condition is, however, to ensure the proposal integrates acceptably within the character and appearance of the area. To that effect I have altered the condition to secure the external materials of the pool house in accordance with the details shown on the relevant plan. Details of the pool surround materials are not shown on the plans, but I do not feel it necessary to secure these details as they would be at ground level and would not be intrusive when considering the character and appearance of the area.

Conclusion

18. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, including the approach in the Framework, I conclude that the appeal should be allowed.

RJ Redford

INSPECTOR