



Appeal Decision

Site visit made on 9 August 2022 by M Long BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/Y3615/D/22/3292633

Manor House Cottage, Mill Lane, Pirbright GU24 0BN

- 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 Norman Lott against the decision of Guildford Borough Council.
 - The application Ref 21/P/01753, dated 11 August 2021, was refused by notice dated 24 January 2022.
 - The development proposed is the erection of an oak framed home office/garden store replacing an existing garden store outbuilding.
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Decision

The appeal is dismissed.

Appeal Procedure

1. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

2. The appeal site is within the Green Belt and therefore the main issues are:
 - whether the proposal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and,
 - would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

3. The appeal site is a detached dwelling situated in a secluded plot at the end of a private road. There is an existing outbuilding that provides garden storage which is located to the north of the dwelling and adjacent to a large, paved, area. The proposal would remove this existing structure and erect a larger outbuilding that would accommodate both garden storage and office space. The proposed outbuilding would overlap the footprint of the existing garden shed to a small degree and would be positioned closer to the main dwelling.

Whether there would be inappropriate development in the Green Belt

4. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 outlines that the construction of new buildings should be regarded as inappropriate, save for a number of exceptions. One of these is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. The evidence indicates that the proposed outbuilding would have a floor area of approximately 28 square metres, which would represent an 86% increase from the 15 square metre footprint of the existing outbuilding. The height of the proposed eaves would be broadly similar to the existing, however the proposed ridge height would be approximately 4.3 metres compared to the 2.5 metre ridge height of the existing building. While the use of the proposed outbuilding is the same as the one it replaces, the proposed scheme would have a comparatively considerably larger size.
6. Overall, the proposed outbuilding would be materially larger than the outbuilding it replaces. As such, it would not meet the required criteria of the Framework exception and therefore would constitute inappropriate development in the Green Belt. It would conflict with Policy P2 of the Guildford borough Local Plan 2015-2034, adopted April 2019, which seeks to ensure that the Green Belt is protected against inappropriate development.

Openness

7. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. The appellant has directed my attention to case law that has clarified the consideration of openness. Both the Turner¹ and Euro Garages Ltd² cases relate to an exception to inappropriate development which allows for limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing development. The Samuel Smith Old Brewery (Tadcaster)³ case relates to a proposal for mineral extraction which was considered against a different exception that requires such development to preserve the openness of the Green Belt.
9. In these exceptions, there is direct reference to considering the impact on openness in reaching a view as to whether the development would be inappropriate in the Green Belt. Whereas this appeal scheme is considered against an exception which requires that a replacement building is in the same use and not materially larger than the one it replaces. As this exception does not reference the impact on openness, as a direct element of assessing whether it would amount to inappropriate development, I do not find these cases to be directly relevant to my consideration of this appeal.

¹ Turner v Secretary of State for Communities and Local Government & East Dorset Council [2016] EWCA Civ 466

² Euro Garages Ltd v Secretary of State for Communities and Local Government & Cheshire West and Chester Council [2018] EWHC 1753 (Admin)

³ Samuel Smith Old Brewery (Tadcaster) & Oxton Farm v North Yorkshire County Council & Darrington Quarries Ltd [2018] EWCA Civ 489

10. The proposal would result in a larger outbuilding at the site than the existing structure. This additional size would reduce the openness of the Green Belt to a small extent. However, given the proposal's secluded position and its close visual and spatial relationship with the main dwelling, the impact on openness would be very limited. Despite the proposal's proximity to the dwelling and the increased openness of the north end of the plot through the removal of the existing outbuilding, the proposal would have a greater footprint and height and so, while very modest, would lead to an overall reduction in openness.

Other considerations

11. The proposal would provide office space that would accommodate home working, which could also reduce the number of commuting-related car journeys. Nevertheless, there is no evidence before me to suggest that a home office could not be provided in a more modest scheme that complies with the Framework. As such, I can only give these benefits limited weight.
12. The appeal scheme may not directly offend the purposes of the Green Belt, as outlined in the Framework. However, the impact on the purposes of the Green Belt is not determinative as to whether the development is inappropriate in the Green Belt. I therefore must give this matter limited weight.
13. There were no neighbour objections, and the Council did not identify harm with regard to other factors such as the proposal's effect on trees, the setting of nearby listed buildings, the living conditions of neighbours or to the character and appearance of the area. However, these are neutral factors and so do not carry positive weight.

Conclusion and Recommendation

14. The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The very limited harm to openness would also add to this harm. Paragraph 148 of the Framework specifies that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. The other considerations do not carry significant positive weight and so do not clearly outweigh the harm identified. As such, the very special circumstances that would be needed to justify the proposal do not exist.
15. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR