



Appeal Decision

Site visit made on 20 July 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 SEPTEMBER 2022

Appeal Ref: APP/D3640/W/22/3292713

Wood End House, Dukes Covert, Bagshot GU19 5HU

- 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 C Hodgson against the decision of Surrey Heath Borough Council.
 - The application Ref 19/2171/FFU, dated 29 January 2020, was refused by notice dated 7 September 2021.
 - The development proposed is the conversion, extension and change of use of part of the existing dwelling to provide two units of visitor accommodation for short term lets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has been implemented. I am therefore considering the appeal retrospectively.
3. In respect of the Thames Basin Heath Special Protection Area (SPA), I note the appellant's agreement to entering into a Section 106 Agreement (Agreement) to ensure that the flats for letting remain short-term without allowing pets. I also acknowledge the draft Agreement that has been submitted with the appeal. Habitats Regulation 63(1) states that 'a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project... must make an appropriate assessment' to establish likely effects in terms of protected sites. However, given my reasoning below and that I am dismissing the appeal on other matters, there is no duty upon me in that regard, and even were I to find that the proposal were acceptable in this respect it would be a neutral factor in my determination of the case. Notwithstanding the Council's second reason for refusal in its decision notice, I have therefore not included this matter as a main issue.

Main Issues

4. The main issues are:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - if the development is inappropriate development, the effect of the development on the openness of the Green Belt; and

- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether Inappropriate Development

5. The appeal site comprises a large garden plot occupied by a two-storey detached dwelling. Much of the property is out of sight from Dukes Covert due to the orientation of the plot relative to adjoining properties, and the screening of the site from mature trees. However, the annexe subject to this appeal is highly visible from the site entrance. The site is located within the Green Belt.
6. The development comprises the hip-to-gable extension of the existing annexe roof, together with a rear dormer extension, in connection with the building's conversion to accommodation for short term lets.
7. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances'. One exception to that position, as set out in Paragraph 149(c) of the Framework, is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
8. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposed development would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. I note that within its officer report the Council generally considers floorspace increases of in excess of 30% to be disproportionate. This figure is not documented within any policy or guidance that is before me and as such there is some uncertainty as to the basis for applying this percentage. As such, whilst I have taken this figure into consideration, I have afforded it only limited weight.
9. It is clear from the Council's officer report that planning permission for a series of extensions was granted over a period of several years. The Council estimates that the original dwelling has been increased in size by 102% as a result of these extensions, rising to 122% when taking into account the appeal development. Whilst I do not have substantive evidence before me to categorically conclude that those permissions were implemented, it is evident that a number of alterations and extensions have taken place. I have no substantive basis to dispute those figures presented by the Council.
10. Whilst the development does not increase the footprint of the building, forms a relatively minor addition, and does not fundamentally change the roof profile, it does increase its overall volume. Notwithstanding the limited weight afforded to the Council's 30% figure, the development, taken together with the range of extensions and additions that have already taken place, amounts to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building.
11. I do not have the full details of the previously constructed extensions before me and any assessment the Council undertook in respect of whether they were deemed disproportionate or not. Irrespective of the circumstances of those

previous extensions, they nevertheless exist and in determining this appeal on its merits this has led me to my findings above.

12. The appellant makes reference to paragraph 150 of the Framework, which amongst other things sets out that the re-use of buildings, provided that the buildings are of permanent and substantial construction, and material changes of use of land, are not inappropriate development in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. However, the development, in including an extension to the building, does not fall to be considered in relation to these or any other categories of development set out in paragraph 150.
13. Consequently, the development does not fall into any of the exceptions listed within Paragraphs 149 and 150 of the Framework. I therefore conclude on this issue that the development is inappropriate development in the Green Belt which is, by definition, harmful and should not be approved except in very special circumstances. The development conflicts with the relevant provisions of the Framework, which in summary seeks to prevent inappropriate development in the Green Belt. There are no relevant development plan policies before me which conflict with this objective.

Openness

14. The Framework indicates that openness is an essential characteristic of the Green Belt, and a fundamental aim of Green Belt policy is to keep land permanently open.
15. The openness of the Green Belt has both a spatial and visual dimension. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
16. The annexe is clearly visible from the Dukes Covert and neighbouring properties. Notwithstanding the existence of other two-storey properties near to the appeal site, the openness of the Green Belt is readily apparent within the immediate area through the existence of mature trees within the site and throughout Dukes Covert together with the surrounding agricultural and recreational land. Nearby properties are typically large and detached, set within large garden plots. This all contributes to a strong open and verdant character.
17. Whilst I accept that the extension to the dwelling is fairly limited in scale, it would nonetheless result in built volume and massing where this does not presently exist. The additional bulk of the dwelling as a result of the proposed development would inevitably lead to a loss of openness, both physically and visually. Accordingly, the development harms the openness of the Green Belt. This factor weighs somewhat against the development.

Other Considerations

18. No other considerations have been brought before me.

Conclusion

19. The proposed development would be inappropriate development in the terms set out by the Framework and would result in harm, albeit limited, to the

openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.

20. The harm identified would not be outweighed by any other considerations and, therefore, the very special circumstances necessary to justify the proposed development do not exist. Consequently, the appeal should be dismissed.

A Price

INSPECTOR