



Appeal Decision

Site visit made on 3 May 2022 by Thomas Courtney BA(Hons) MA

Decision by S R G Baird BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2022

Appeal Ref: APP/Y3615/D/21/3287703

Binton Hall, Binton Lane, Seale GU10 1LG

- 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 D. Carmichael-Jack against the decision of Guildford Borough Council.
 - The application Ref 21/P/00196, dated 27 January 2021, was refused by notice dated 2 September 2021.
 - The development proposed is the erection of a garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a garage at Binton Hall, Binton Lane, Seale GU10 1LG, in accordance with the terms of the application Ref 21/P/00196, dated 27 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 1540/P-101B and 1540/P-102.

Appeal Procedure

2. 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.

Procedural Matters

3. In the interest of accuracy and conciseness, the description of development in header above is based on the decision notice and the appeal form.
 4. The appellant has submitted a signed Declaration of Intent (Appendix C of the appellant's appeal statement) confirming that a fallback scheme would be implemented if this appeal should be dismissed. The Council have been given an opportunity to comment on the Declaration and I have taken the response into account.
 5. Additionally, I have had regard to an appeal (ref. APP/Y3615/D/17/3190966 dated 6 April 2018) against a refused application (ref. 17/P/01917) for a garage at this site, to which both parties refer.
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Main Issues

6. The main issues are:

- Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
- The effect on the openness of the Green Belt;
- if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

7. Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within a list of exceptions. Policy P2 of the *Guildford Borough Local Plan: Strategy and Sites 2019* (LPSS) is consistent with this in that it gives a list of forms of development that are not inappropriate. The proposal would not meet any of the exceptions outlined within Paragraph 149 and Policy P2 and this does not appear to be disputed by the appellant.
8. The proposed garage would not meet any of the exceptions set out in the relevant policies mentioned above. Therefore, the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149 of the NPPF, as detailed above, and Policy P2 of the LPSS which seeks to resist inappropriate development in the Green Belt.

Openness

9. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. Openness has a visual component and a spatial aspect. The boundaries of the site are well-screened with dense vegetation and mature trees although there are some gaps in-between the trees along the southern boundary. Given the location of the proposed garage and the presence of mature planting there would be no views of the garage from the wider countryside and only glimpsed views from Binton Lane. The garage would occupy an area currently devoid of a building. Accordingly, the three-bay garage would result in limited harm to the openness of the Green Belt.

Other considerations

10. The NPPF highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the Green Belt is to be given substantial weight. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
11. In this regard, the appellant submits there is a fallback position as the Council has confirmed by way of the grant of a Certificate of Lawful Development in January 2021 (ref. 20/P/02010) that a garage of a comparable size and located to the south-west of the main dwelling and close to the ancillary pool building

could be erected as Permitted Development (PD) under the terms of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

12. Whilst the Council questioned the feasibility and likelihood of erecting the garage granted in January 2021 and refer to an appeal (APP/Y3615/D/17/3190966 dated 6 April 2018) against a refused application (17/P/01917) for a garage at this site, I note that the appellant has submitted a signed Declaration of Intent (Appendix C of the appellant's appeal statement) confirming that the fallback scheme would be implemented if this appeal should be dismissed. Having been given the opportunity to comment on the Declaration, the Council have subsequently stated that it does add weight to the proposed fallback position by increased likelihood of implementation.
13. Additionally, although the PD garage would be sited near the ancillary pool building and would remove a portion of landscaped garden area, there is nothing to suggest it could not be physically developed. In light of this, there is a real prospect the appellant would erect the PD garage and that this should be considered a true fallback position.
14. The Council state that the proposed garage would extend the built form to a wider extent across the site and would have a greater impact on the openness of the Green Belt than would the PD garage. Whilst the proposed garage would introduce new built form in an area of the site that is currently undeveloped, I find that the PD garage would be awkwardly positioned. It would appear to overlap the existing driveway and would, given the topography of the site, be in a more prominent and elevated location than the proposed building. Moreover, the PD garage would also be more visible through the gaps in vegetation from the open countryside to the south, especially during the winter months.
15. The fallback scheme would result in a cluster of buildings close to each other to the southwest of the house which would make this part of the site appear overdeveloped. It would also lead to the removal of an attractive and well-landscaped part of the garden close to and visible from the house and pool which contributes to the sylvan character of the Green Belt. On the other hand, the proposed garage would be tucked away close to the heavily screened western boundary.
16. Drawing the above together, the fallback garage would appear more prominent than the proposed garage and would constitute a discordant addition to the site. It would thus have a greater adverse spatial and visual impact on openness. For these reasons, very substantial weight is attached to this consideration.

Planning Balance and Overall Conclusion

17. The development causes harm to the Green Belt by way of inappropriateness and limited harm to its openness. These harms attract substantial weight. It is accepted that a garage of similar scale could be built using Permitted Development rights which would have a materially more harmful effect, spatially and visually, on the Green Belt. Moreover, for the reasons given above, if the appeal fails, it is likely that the garage would be built. On balance, the weight attributed to the fallback position is very substantial and outweighs

the harm identified. Therefore, there are very special circumstances to justify the development.

Conditions

18. The Council's suggested conditions have been assessed against the advice on conditions set out in the NPPF and Planning Practice Guidance. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans to provide certainty.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

George Baird

INSPECTOR