



Appeal Decision

Site visit made on 27 September 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Appeal Ref: APP/R3650/W/22/3295400

**Larch Building, Greenhills Timber Yard, Greenhills Estate, Tilford
GU10 2DQ**

- 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 L Trevellyan of Spincrest Limited against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02465, dated 20 July 2021, was refused by notice dated 19 January 2022.
 - The development proposed is erection of an extension to the Larch Building at Greenhills Timber Yard
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal refers to Policy RD3 of the Waverley Borough Local Plan adopted 2002, but it has subsequently confirmed that this was referred to in error and can be disregarded. I have dealt with the proposal on this basis.

Main Issues

3. From the evidence before me I consider the main issues to be:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant Development Plan policies, including the effect of the proposal on the openness of the Green Belt, and
 - Whether the 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 proposal.

Reasons

Whether Inappropriate development

4. The site lies in countryside within the Metropolitan Green Belt. Policy RE2 of the Waverley Borough Local Plan Part 1, adopted February 2018 (WBLP) states that new development will be considered inappropriate and will not be permitted unless very special circumstances are demonstrated or where it does not conflict with the exceptions listed in national planning policy. Policy RE2

therefore accords with the Framework, which sets out the categories of development that are not inappropriate in the Green Belt.

5. Paragraph 149 of the Framework states that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this relevant to the proposal are found in sub-paragraphs 149 (c) and (g). These are that (c) the proposal involves the extension of a building that does not result in disproportionate additions over and above the size of the original building (singular); or that (g) it consists of the limited infilling of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
6. In respect of criteria (c), there is little in local planning policy or the Framework to indicate what level of increase would be 'disproportionate' and so this is a matter of planning judgement. The design and materials of the proposal would reflect those of the existing building, maintaining its symmetry. However, the proposal would approximately double the size of the original building. In the context of the building, the scale of the increase would amount to a substantial addition which, as such, would be disproportionate to the original building and would not comply with criteria (c).
7. In respect of criteria (g) there is no dispute that the site constitutes previously developed land. The gap to the adjacent Olive building consists of an area that provides space for car parking, vehicle manoeuvring and loading, and so is large. As such, because of the size of the gap and that a large gap would still remain, the proposal would not in my view constitute 'infilling'.
8. Moreover, a fundamental aim of Green Belt policy is to keep land permanently open. As made clear by the Planning Practice Guidance and by the court judgements of *Turner* and *Goodman Logistics*, openness is not limited purely to spatial impact but has a visual dimension too. There is no suggestion that the proposal would harm the landscape of the Surrey Hills Area of Outstanding Natural Beauty or the Area of Historic Landscape Value. However, this does not mean that the building is not disproportionate or that it would have no impact on the openness of the Green Belt.
9. The existing pine woodland provides some screening from Grange Road, as does the existing boundary fencing. However, the vertical, open nature of the pine trees, and the mesh design of the fence, means that public views of the proposal would be available from the road. It would also be visible from the entrance into the Timber Yard. The proposal would be seen in the context of existing buildings and with the backdrop of trees, but it would nevertheless visually add to the amount of built form here.
10. Spatially, the proposal would increase the volume and massing of the existing building. In doing so, albeit limited given the scale of the proposal, it would result in a harmful loss of openness. The Framework requires that substantial weight should be given to any harm to the Green Belt. Therefore, even if I were to consider the proposal as infilling it would not meet this exception due to the greater effect on openness.
11. Furthermore, notwithstanding that it consists of previously developed land, the proposal would add to the encroachment of built form into the countryside within which the site lies. It would therefore conflict with one of the purposes of the Green Belt.

12. As such, I conclude that the proposal would not comply with the exceptions set out in paragraphs 149 (c) and (g) of the Framework, and nor would it therefore comply with WBLP Policy RE2. It would be inappropriate development in the Green Belt having regard to the Framework and Development Plan policies and would have a harmful effect on the openness of the Green Belt.

Other considerations

13. Were the appeal to be dismissed, the current tenants may well have to relocate, despite the subsequent approval of an alternative scheme at the site. The proposal would help to support an existing local business and would provide employment. To meet the needs of the economy, the Development Plan including WBLP Policy EE1 encourages the protection and expansion of employment sites in certain circumstances and supports the erection of well-designed buildings for economic development in rural areas. Such support is also provided by the Framework.
14. However, this policy support applies to all rural areas of the Borough, and only where there is no detrimental impact on the Green Belt. In light of my findings above, this would not be the case here. Much of the Borough is within the Green Belt. However, this does not necessarily mean that commercial development located elsewhere than the appeal site would be within the Green Belt or have a more harmful impact on it than the proposal. Nor would it necessarily result in greater vehicle movements. Therefore, I give only moderate weight to the economic benefits of the proposal.
15. The Inspector at West Mallings¹ found that harm to openness and encroachment into the countryside must be distinguished from other landscape and visual effects, despite that proposal being visible from a number of points. I do not disagree, but I have found harm to openness and encroachment here. Furthermore, significant weight was given in that case to other supporting factors that do not apply here. As such, I give this appeal decision only limited weight.
16. In an appeal for a garage and home office at Shamley Green, Guildford², the Inspector found no harmful effect upon the openness of the Green Belt because of the available screening and because of the very marginal increase in the size of the building. However, for the reasons given above, the circumstances of the current appeal are different both in terms of its visibility and the relative extent of increase. I therefore give the appeal decision limited weight.
17. I am told that extensions similar to the proposal have been approved on the estate and elsewhere in the Borough, but few details have been given to me and so I can give this very little weight. Therefore, I find that the harm by reason of inappropriateness would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Planning Balance and Conclusion

18. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient

¹ PINS reference 3202040

² PINS reference 3199708

weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR