



Appeal Decision

Site visit made on 11 October 2022 by M Long BA (Hons)

Decision by K Taylor BSc (Hons) PGDip) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2022

Appeal Ref: APP/R3650/D/22/3295523

Winterfold, The Coach House, Barhatch Lane, Cranleigh GU6 7NH

- 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 and Mrs Townsend against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02606, dated 6 August 2021, was refused by notice dated 4 January 2022.
 - The development proposed is the demolition of an existing outbuilding and construction of a new outbuilding.
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Decision

1. The appeal is dismissed.

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.

Main Issues

3. 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;
 - the effect of the proposal on the character of the adjacent Ancient Woodland; and,
 - would the 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

4. The appeal site is a large dwelling set within a very generous and secluded plot that is surrounded by mature vegetation, including Ancient Woodland. In the immediate vicinity of the main dwelling are traditional landscaped gardens and lawns, a patio and a swimming pool. There is a lawn space to the rear of the dwelling which forms a broader part of land that rises towards the northern boundary of the plot. A significant distance to the south of the house is a tennis court with an adjacent modest outbuilding; the surroundings have a more open character formed by mature trees and grassed areas. To the south of the

tennis court, the land drops sharply down to the southern boundary of the plot, which is marked by an increased density of vegetation, and which the appellants have indicated is Ancient Woodland.

5. The proposed development is an outbuilding that would replace the existing modest outbuilding that is adjacent to the tennis court. The proposal would have an increased footprint and height and would provide both storage and recreational space. There is a Certificate of Lawful Development¹ for an outbuilding of the same size and design that could be built close to the appeal dwelling, on the lawn to its north.

Whether there would be inappropriate development in the Green Belt

6. 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.
7. The existing outbuilding measures approximately 5.28 metres in length by 3.07 metres in width and has a maximum height of 3.6 metres. In contrast the proposed outbuilding would measure approximately 10.8 metres in length by 6.3 metres in width and have a maximum height of 4 metres, representing a size increase of approximately 314%. While the proposal would have the same use as the outbuilding it would replace, its size would be materially larger.
8. As such, the proposal would constitute inappropriate development in the Green Belt. It would, therefore, conflict with Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, adopted February 2018, which seeks to prevent inappropriate development in the Green Belt.

Openness

9. 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. The effect of a development on the openness of the Green Belt has a spatial aspect as well as a visual aspect.
10. The existing modest outbuilding would be replaced with a structure that has a materially larger footprint and increased height, and so the proposal would encroach upon the openness of the Green Belt to some extent. Given its significant distance from the main dwelling, the proposal would be viewed against the surrounding mature vegetation and open grassed areas. Its position next to the existing tennis court would reduce its impact on openness to a small degree. Nevertheless, the court's mesh fence and open paved area more successfully maintains the open appearance of this area than the large and solid built form of the proposed outbuilding.
11. As such, the proposal's substantial size and visual separation from the main dwelling would harm the openness of the Green Belt, albeit the impact would be somewhat reduced by its relationship with the existing tennis court.

¹ LPA Ref: WA/2021/01422

Ancient Woodland

12. The proposed outbuilding would be located around 4 metres from the Ancient Woodland boundary. The appeal scheme is materially larger than the existing outbuilding and so there would be a small effect on the character of the Ancient Woodland. This effect, however, would not be harmful as the proposal would clearly relate to the adjacent tennis courts and the sharp drop in the land from the court area to the Ancient Woodland boundary would maintain a sufficient degree of visual separation.
13. Given the above, the proposal would not result in harm to the character and appearance of the Ancient Woodland. It would accord with Policy NE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites which seeks to maintain and enhance woodland within the Borough.

Other Considerations

14. The approved scheme for an outbuilding to the immediate north of the main dwelling, with the same dimensions and design as the proposal, is both a realistic and viable alternative to the appeal scheme. While the appeal and permitted development schemes are similar in design, their respective positions within the plot would have different impacts on the openness of the Green Belt. The permitted development scheme would have a close visual relationship to the main dwelling and would be viewed in the wider domestic context of the house and its landscaped gardens. Its secluded location behind the house would also result in very limited views from the wider grounds.
15. As mentioned above, the appeal scheme would be located a significant distance from the main dwelling and within a wider context of mature trees and grass space. The implementation of the appeal scheme, including the removal of the existing outbuilding, would result in an overall reduction in built forms at the site when compared to the erection of the permitted development scheme. However, considerations of openness are not purely related to size and volume but also the visual and spatial context of the development. As such, there would be greater harm to openness from the proposal than the permitted development scheme and so I give this fall-back position modest weight.
16. It has been suggested that a condition could be used to remove permitted development rights under Class E under Article 3(1) and Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class E permits the construction of outbuildings provided they would not be situated on land forwards of a wall forming the principal elevation of the original dwellinghouse. In this instance, this would only apply to a small area of the total plot and so the associated benefits of removing permitted development rights in this area would be limited. Therefore, I give this matter limited weight.
17. It has also been suggested that a planning condition could be imposed to prevent both the appeal scheme and the permitted development scheme from being implemented together. As outlined above, the proposal would result in greater harm to openness than the permitted development scheme and so putting a mechanism in place to prevent the implementation of both schemes would not mitigate this harm. As such, I give this matter very limited weight.

18. The outbuilding would provide storage and recreational space for the appellants. This is a private benefit which could be achieved through a less harmful scheme. I therefore give this matter modest weight.

Conclusion and Recommendation

19. The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The harm to openness is also added to this harm. The lack of harm identified against the character and appearance of the Ancient Woodland is a neutral matter that does not carry any positive weight. 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. As mentioned above, the other considerations, even taken in their totality, 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.
20. The proposed development would not accord with the development plan, when considered as a whole. 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

21. 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