
Appeal Decision

Site visit made on 2 November 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 NOVEMBER 2022

Appeal Ref: APP/Y3615/D/22/3291258

Lawbrook, Lawbrook Lane, Gomshall GU5 9QN

- 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 & Mrs Lubbock against the decision of Guildford Borough Council.
 - The application Ref 21/P/00537, dated 12 March 2021, was refused by notice dated 7 December 2021.
 - The development proposed is the demolition of existing pool house and boiler room; erection of replacement pool house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policy;
 - ii. the effect of the proposal on the openness of the Green Belt;
 - iii. if the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal site is located within the Green Belt. The existing pool house and boiler room are set within the large garden of Lawbrook which is set to the west of Lawbrook Lane within rolling countryside. The site is within the Surrey Hills Area of Outstanding Natural Beauty (AONB).

Whether inappropriate development

4. The Framework¹ at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions.

¹ National Planning Policy Framework 2021.

5. One such exception relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The Framework at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions.
6. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019) (GBLP) states that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework.
7. It does however add, amongst other things, that a new building will only constitute a replacement if it is sited on or in a position that substantially overlaps that of the original building. Policy P2 of the GBLP therefore has a broad accordance with the Framework in relation to this proposal.
8. The replacement pool house would occupy a position that would substantially overlap that of the original building.
9. I accept that the proposal would amount to a single building replacing both the existing pool and boiler house, which is within a separate shed like structure. However, the replacement pool house would be substantially wider, deeper and taller than the existing pool house. It would also have a substantially greater floor area than the existing pool and boiler houses combined.
10. Therefore, whilst the replacement building would be in the same use, it would clearly be materially larger than the existing pool house and boiler room that it would replace. The proposal would therefore constitute inappropriate development within the Green Belt.

Effect on openness

11. A 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 assessment of openness requires a consideration of both spatial and visual aspects.
12. The introduction to the site of a building such as that indicated would introduce additional bulk through its built form. This would limit views through the site and to the surrounding countryside from some viewpoints within the garden. It would also be viewed as a more obvious, bulky and strident structure from any surrounding viewpoints on the elevated land that surrounds the site.
13. These are aspects of the proposal which would harm the openness of the Green Belt in both spatial and visual terms. Given the reasonably secluded and set down location of the site and the likely limited public views towards it, the harm to openness would only be moderate at this location.
14. Nonetheless, the Framework is clear that substantial weight should be given to any harm to the Green Belt. The proposal therefore conflicts with Policy P2 of the GBLP and the Framework.

Other considerations

15. I accept that the building is in a deteriorating condition and that the replacement pool house would be placed within the confines of the existing terrace platform. I note the set down setting of the site within the landscape

and that the proposal by reason of its design would not harm the character and appearance of the area. The proposal would conserve the landscape and scenic beauty of the AONB.

16. I have been supplied with a planning decision relating to an approval for a heritage greenhouse at the site and an appeal decision (Ref: APP/M3645/D/19/3225214) relating to an extension at another site outside of the Local Authority area. However, both cases relate to different Framework exceptions and consequently the weight I can afford those matters in relation to this case is limited.
17. The exceptions at paragraph 149 of the Framework amongst other things reference appropriate facilities for outdoor sport and recreation. However, even if the building were to form an appropriate facility, it would not preserve the openness off the Green Belt, therefore amounting to inappropriate development.

Planning Balance and Conclusion

18. I have found that the development is inappropriate development within the Green Belt and is harmful to Green Belt openness. It therefore should not be approved except in very special circumstances. I must attach substantial weight to the harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
19. For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

T J Burnham

INSPECTOR