
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: 25th November 2022

Appeal Ref: APP/Y3615/D/22/3291735

Yew Thatch, Woodhouse Lane, Holmbury St Mary RH5 6NN

- 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 Joseph Gianfrancesco against the decision of Guildford Borough Council.
 - The application Ref 21/P/02132, dated 6 October 2021, was refused by notice dated 11 January 2022.
 - The development proposed is Single Storey Oak Framed Orangery Extension to Rear of Existing Garage and Installation of Two New Dormer Windows to Existing Garage Roof.
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Decision

1. The appeal is dismissed.

Main Issues

The main issues are:

- i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework¹ and any relevant development plan policy;
- ii. the effect of the proposal on the openness of the Green Belt; and
- 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

Whether inappropriate development

2. 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.
3. One such exception relates to 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.
4. 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

¹ National Planning Policy Framework 2021.

inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework. It is broadly consistent with the Framework.

5. However, Policy P2 of the GBLP differs from the Framework in that under the heading extensions or alterations it states that, 'the original building shall mean either: i. the building as it existed on 1 July 1948; or ii. if no building existed on 1 July 1948, then the first building as it was originally built after this date'. The Council confirm within the Officer Report (OR) that the assessment must be made against the original dwelling.
6. The current dwelling, Yew Thatch, is a modern replacement dwelling, dating from 2013. Whilst acknowledging the position of the appellant on this matter, considering the reasonably recent adoption of the GBLP and that the current definition of 'original building' has been consistent within the text of the Framework since 2012, and in the absence of evidence to indicate otherwise, I consider that the differences in the definition are deliberate.
7. Details before me relating to the original building are very limited. I have not been supplied with any plans relating to that building and the information presented is limited to text within the OR. However, those details indicate that the proposals would see Yew Thatch adopt a floor area of 245m², a 67% increase in floorspace from the original building. The existing floor area is identified as 218m², a 49% increase in floorspace from the original building.
8. The increase in floorspace would be substantial. The proposals would therefore result in disproportionate additions over and above the size of the original building and be inappropriate development within the Green Belt for the purposes of the Framework and Policy P2 of the GBLP.

Openness

9. 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.
10. The introduction to the site of the extension and dormer windows would introduce additional bulk through their built form. The presence of these features would partially limit views through the site from within the gardens of the dwelling.
11. These are aspects of the proposal which would harm the openness of the Green Belt in both spatial and visual terms. Given the largely secluded and private nature of the site with tree screening, the harm to openness would be limited.
12. Nonetheless, there would be harm and the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Other considerations

13. I note 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 Surrey Hills Area of Outstanding Natural Beauty. No adverse impact on neighbouring dwellings is noted.

Conclusion

14. 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.
15. For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

T J Burnham

INSPECTOR