
Appeal Decision

Site visit made on 29 November 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/Y3615/D/22/3294483

Cheynes Cottage, Brook Lane, Albury GU5 9DH

- 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 Clare Dyer against the decision of Guildford Borough Council.
 - The application Ref 21/P/01288, dated 3 June 2021, was refused by notice dated 16 February 2022.
 - The development proposed is the erection of car port/store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies; 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

Whether it is inappropriate development

3. The appeal site, occupied by a detached dwelling with a large front garden that includes a driveway at the entrance, is located within a rural location in the Green Belt. It is surrounded by a number of other residential properties.
4. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. In paragraph 149 (g) these exceptions include limited infilling or the partial or complete redevelopment of previously development land, which would not have a greater impact on the openness of the Green Belt than the existing development. The appellant has stated that the proposal would partially infill a gap between neighbouring garages and a small corner of the front garden and the appeal site is previously developed land. Therefore, they contend that the proposal would fall under this exception.
5. Policy P2 of the Guildford borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 similarly 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. This Policy is therefore generally consistent with the Framework's approach.

6. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
7. Although there are a number of similarly sized outbuildings within the neighbouring sites, there are no existing buildings within the front garden of the appeal site at present. Therefore, the addition of a new building would have a significant spatial impact on the openness of the Green Belt due to the increase in built form. In addition, although partially obscured by the existing hedging, the proposal would be highly visible from Brook Lane via the access to the appeal site. As such, the proposed building would also visually reduce the openness of the Green Belt. Therefore, there would be both a greater spatial and visual impact on the openness of the Green Belt from the proposed development when compared to the existing development on the appeal site.
8. Previously developed land is described in the Framework as land which is or was occupied by a permanent structure including the curtilage of the development land and any associated fixed surface infrastructure. There is no definition of limited infilling within the Framework, however Policy P2 of the LP identifies settlements and villages where limited infilling may be appropriate. Nevertheless, even if the land is previously developed as defined by the Framework and could be considered as limited infilling, the proposal could not be an exception under paragraph 149 (g) due to the scheme's greater impact on the openness of the Green Belt.
9. Similarly, due to greater impact on the openness of the Green Belt, the proposal would also not accord with Policy P2(3) of the LP. This states that certain other forms of development are also considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
10. The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

11. It is noted that many of the surrounding properties have detached garages or outbuildings forward of the front elevation of the host dwelling. However, whilst these may contribute to the character of the area and the proposed development may be in keeping with this, they do not set a precedent for the construction of further new buildings within the Green Belt. Therefore, as development is considered on a case by case basis, the presence of similar development in the surrounding area is given limited weight.
12. Furthermore, the appellant contends that there is no alternative location on the appeal site to provide enclosed storage and covered vehicle parking to be used

by occupiers of the host dwelling. However, the provision of these facilities is a personal benefit, which is also given limited weight in my consideration of the appeal.

13. The appellant considers that the proposal is modest in size and in keeping with other development in the area. The Council agree that the proposal would have no impact on the character and appearance of the host dwelling or the surrounding area, including the Surrey Hills AONB. However, this lack of harm is a neutral factor which would not weigh in favour of the proposal.

Green Belt Balance and Conclusion

14. The proposal would be inappropriate development in the Green Belt, in that it would not fall under any of the exceptions listed within paragraph 149 of the Framework. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
15. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy P2 of the LP and paragraphs 147, 148 and 149 of the Framework.
16. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR