



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: 15th December 2022

Appeal Ref: APP/Y3615/D/22/3291329

Meadow Plat, Ranmore Common, Dorking RH5 6SX

- 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 A Schaale against the decision of Guildford Borough Council.
 - The application Ref 21/P/00864, dated 19 April 2021, was refused by notice dated 31 December 2021.
 - The development proposed is a replacement ancillary outbuilding.
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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;
 - the effect on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

3. The appeal site, containing a single storey dwelling with a number of outbuildings, is located in a rural area within the Green Belt. The proposed outbuilding would replace the three existing outbuildings to the front of the dwelling and would be used as a garage and for storage.
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. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy P2 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (the LP) 2019 also indicates that development within the Green Belt will not be permitted subject to the list of exceptions identified by the Framework. The policy is therefore generally consistent with the Framework's approach.

5. Whilst the proposed building would be in the same use as the buildings it would replace, the figures provided by the Council indicate that the replacement building would be larger in both height and depth than any of the existing buildings to be demolished. The proposed building would also have a larger floor area and volume than the existing buildings combined. The appellant does not contest these figures.
6. Whilst the Framework does not specifically define the term 'materially larger', from the figures provided it is evident that the replacement building would be larger in scale and massing than the buildings it would replace. The proposed building would have a smaller width when compared to the existing stable building and would consolidate three separate outbuildings into one. However, this would not sufficiently offset the increase in height, depth, floorspace and volume and the replacement building as a whole would still be larger.
7. Consequently, as the proposed building would be materially larger than the one it replaces, it would not fall under the exception in paragraph 149 (d) of the Framework relating to replacement buildings. The appellant contends that the proposal would not contravene the purposes of designating land as Green Belt as defined in paragraph 138 of the Framework. Nevertheless, this does not negate the requirements within paragraph 149 of the Framework relating to the construction of new buildings.
8. 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.

Openness

9. 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.
10. Due to the location of the appeal site, the proposed development would have limited views from the public realm. It would also be set further back into the appeal site than the existing buildings with any views from the driveway largely blocked by the existing chalk bank and the well-established trees surrounding it. Therefore, the proposed development would not impact the visual openness of the Green Belt.
11. Although consolidating three buildings into one would reduce the sprawl of development on the appeal site, the proposed building would be materially larger than the buildings to be replaced. This would result in an increase of built form on the appeal site with a greater floorspace and volume than the existing buildings combined. As such, there would be a spatial impact on the openness of the Green Belt, in that it would be reduced.
12. The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, or any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

13. Planning permission¹ has previously been granted on the appeal site for an outbuilding similar to the appeal proposal. However, from the figures provided by the appellant, this consented scheme resulted in a small increase in floor area of 4.76% and a decrease in the volume by 27.05%, when compared to the existing buildings on the appeal site to be replaced. Therefore, whilst the proposed building would be set slightly further back into the chalk bank than the consented scheme, it would be much larger in terms of floorspace and volume. Consequently, the appeal proposal would be materially different to the consented scheme and as such attracts limited weight in support of the proposed development.
14. The appellant has brought to my attention a site which is also located within the Green Belt and where planning permission² was granted for a replacement dwelling. This found that, compared to the existing dwelling and outbuildings to be demolished, an increase in floor area of 24% and an overall volume increase of 29% was acceptable. However, the Council's report for this development states that the existing dwelling and outbuildings were substantial in size and scale with a two-storey height and a large and bulky roof form. This is not comparable to the appeal proposal, as the existing outbuildings to be replaced are single storey in height and modestly sized. Therefore, this does not set a precedent for the appeal proposal and is not relevant to my consideration of this appeal.
15. It is noted that the existing buildings on the appeal site may be inadequate for the purpose which they are needed and that the replacement building would meet the appellant's needs more appropriately. However, this would be a personal benefit which would only be afforded limited weight.
16. The Council have raised no concerns in relation to the impact of the proposed development upon the character and appearance of the appeal site or the Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV) in which the appeal site is located. I agree with this finding. However, as this is a neutral factor in my determination of the appeal it does not weigh in favour of the proposed development. However, the amalgamation of three existing outbuildings into one building which is set back further into the site, would improve the visual appearance of the appeal site and the surrounding landscape character. The proposed materials would also be in keeping with the surroundings. I therefore afford these benefits to the character and appearance of the appeal site moderate weight.
17. The appellant has stated that the proposal would be more energy efficient than the existing outbuildings. However, no further evidence has been provided to demonstrate this and therefore it is given minimal weight.

Green Belt Balance and Conclusion

18. The proposal would be inappropriate development in the Green Belt in that it would result in a replacement building materially larger than the existing buildings to be replaced. 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

¹ 18/P/01523 (the consented scheme)

² 20/P/01225 (East Court, Beech Avenue, Effingham, Leatherhead, KT24 5PN)

circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

19. 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 which seeks to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
20. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR