



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: 23 DECEMBER 2022

Appeal Ref: APP/Y3615/W/22/3296468

Woodlands The Warren, East Horsley KT24 5RH

- 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 Lonie against the decision of Guildford Borough Council.
 - The application Ref 21/P/00646, dated 23 March 2021, was refused by notice dated 12 January 2022.
 - The development proposed is the erection of a replacement dwelling together with alterations to parking and vehicular access arrangements (revision of 20/P/00952).
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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 two-storey detached dwelling, is located in a residential area within the Green Belt. The proposed development is for a replacement dwelling in a similar position on the appeal site to the existing building.
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. The proposed building would be in the same use as the building it would replace, as a residential dwelling. However, the figures provided by both the Council and the appellant indicate that the replacement dwelling would have a greater height, floor area and volume than the existing dwelling. The Framework and Policy P2 of the LP do not specifically define the term 'materially larger'. Nevertheless, from the figures provided it is evident that the replacement dwelling would be larger in scale than the building it would replace.
6. It is noted that single storey additions have recently been added to the existing property, under permitted development rights, in the form of two open sided wood framed structures to the rear and the side of the dwelling. The Council considers these should be given limited weight due to their open nature. However, even if these structures were to be taken into account as part of the existing dwelling, the proposed dwelling would still be larger in scale.
7. The width and depth of the proposed replacement dwelling would be smaller than the existing dwelling, resulting in a smaller overall footprint. However, due to the increase in height and volume, the building would appear greater in bulk and massing than the existing dwelling, particularly at first floor level.
8. 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 proposal would therefore be inappropriate development within the Green Belt.

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. As the replacement building would be larger in scale and mass than the one it replaces, it would introduce additional built form to the appeal site. Therefore, the proposal would have some spatial impact on the openness of the Green Belt. In addition, although the replacement dwelling would be set well back from the road, it would still be highly visible from the public realm. As such, the proposed increase in height and mass of the dwelling would further erode the visual openness of the site when compared to the existing dwelling. Therefore, the proposed development would have both an adverse spatial and visual impact on the openness of the Green Belt, in that it would be reduced.
11. 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

12. It is noted that the proposed development has been reduced in size when compared to previous applications¹ submitted for a replacement dwelling and, as such, is materially different to these previous schemes. Although the

¹ 20/P/00952 (the 2020 scheme) and 18/P/01718 (the 2018 scheme)

proposed amendments are intended to address the previous objections, this does not alter my findings in relation to the loss of openness and inappropriateness that I have identified for the current appeal scheme. Therefore, the amendments to the proposal are given minimal weight.

13. The appellant indicates that the single storey extensions, to the side and the rear of the existing dwelling, could be extended up to a height of 4 metres under permitted development rights to increase the overall bulk and volume of the dwelling. However, this would not increase the floor area or maximum height of the existing dwelling and the replacement dwelling would still be materially larger in these aspects. Therefore, I afford this fallback position limited weight.
14. The appellant has highlighted a number of other properties on The Warren which have been granted planning permission for a replacement dwelling in the Green Belt. These replacement dwellings all appear to be larger than the existing building on their respective sites. However, it is noted that these examples were granted planning permission some time ago and would have been assessed under different local and national policies to the appeal scheme before me. As such, they are not directly comparable to the proposed development and are afforded limited weight.
15. Reference is also made to the neighbouring plot where planning permission² was recently granted for a new dwelling. Although this neighbouring dwelling may be larger than the proposed dwelling, as an infill dwelling, it was not inappropriate development in the Green Belt. Therefore, this development is not comparable to the appeal proposal and is given limited weight.
16. The proposed development received no objections from the highways authority, the Council's tree officer or the Parish Council, and was supported by a number of representations from third parties. Furthermore, the Council have no objections to the proposed development with regards to the impact upon the character and appearance of the area, the living conditions of the occupiers of the neighbouring dwellings, highways safety and biodiversity. I agree with these findings. However, these are all neutral factors which do not weigh in favour of the proposed development.
17. The appellant has highlighted that there was a delay in the Council reaching a decision and that no site visit was undertaken. They have also expressed concerns in relation to the comments made within the Council's report regarding their conduct. However, these matters have not altered my overall findings in relation to this appeal.

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

² 19/P/02169

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