



Appeal Decision

Site visit made on 1 February 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/R3650/D/22/3297905

**The Lodge, Unsted Park, Munstead Heath Road, Godalming, Surrey
GU8 4AR**

- 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 Ms Catherine Rowsell against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02543, dated 25 July 2021, was refused by notice dated 7 February 2022.
 - The development proposed is described as the erection of a natural wood treehouse on our property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The treehouse has already been erected and planning permission is sought to regularise this development. On visiting the site, I am satisfied the plans represent that which has been built.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect it has upon the openness of the Green Belt; and
 - if the development is inappropriate 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 the proposal constitutes inappropriate development

4. Policy RE2 of the Waverley Local Plan (Part 1) 2018 (Local Plan) refers directly to the Framework when considering new development within the Green Belt. Although Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt, it does set out 7 exceptions to this.

5. It is appreciated the treehouse is for the personal use of the occupants of the appeal site, however this is not one of the specified exceptions. The treehouse is also not for agriculture or forestry, nor would it provide an appropriate facility for specified outdoor uses (including sport, recreation, and allotments, amongst others). It is not an extension, alteration, or replacement of an existing building, nor does it amount to limited infill or affordable housing.
6. Consequently, the treehouse does not fall into any of the exceptions within Framework paragraph 149, and so would constitute inappropriate development within the Green Belt. As set out in paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I will return to this later.

Openness

7. The treehouse has been erected around an established tree towards the rear boundary of the appeal site. The rear boundary is delineated by a fence with a narrow band of trees behind, which form part of the adjacent residential property's land. The appeal site, itself, slopes down towards Munstead Heath Road, and the main dwelling has been built, in part, into the slope, as such the garden has a somewhat open aspect.
8. Openness of the Green Belt has both a visual and spatial aspect. The location of the treehouse and its visibility from Munstead Heath Road draws the eye and physically creates a barrier within views across this portion of the site. Although I appreciate the band of trees provides some context for the treehouse, they are not densely planted. Along with the existing slope of the land, this means the open space beyond is visible which broadens the views across the site rather than shortening them. This is especially evident when the trees are not in leaf, as was the case on my site visit. The treehouse, therefore, visually encroaches into these views, reducing their open aspect.
9. The partially open construction of the treehouse and the additional screening planting is noted. However, the treehouse is a permanent structure which is situated in part of the garden set away from the main dwelling and other outbuildings. Thus, it physically expands the amount and spread of built form across the appeal site, spatially encroaching on its openness.
10. As the treehouse has a detrimental effect on the openness of the appeal site, it also harms the openness of the Green Belt it is part of.

Other considerations

11. A treehouse is a specific form of building with unique characteristics, usually incorporating a tree and commonly including platforms above ground level, in this case used for play by children. The appellant has stated that the impact of the treehouse would be less than a building or structure built under permitted development. However, this is not the scheme before me nor is it evident how such a building or structure would constitute a replacement for the specific qualities of the treehouse. It would in any event function and interact with its surroundings differently. Therefore, although there is a prospect of a replacement building or structure, I afford this only moderate weight as it would not be directly comparable to that which is before me.

12. It is appreciated that the treehouse has been designed to ensure the safety of the children using it and that it has been built in materials sympathetic to its surroundings. However, these are design characteristics which reflect its use and location, so are neutral factors and cannot weigh for or against the proposal.
13. It is also noted the treehouse has not been found to be harmful in relation to the living conditions of neighbours or the nearby ancient woodland. Nevertheless, a lack of harm is also a neutral factor.
14. Consequently, the proposal is inappropriate development in the Green Belt and harms its openness. Taken in totality, the other considerations discussed above do not clearly outweigh the harm to the Green Belt and as such do not constitute the very special circumstances necessary to justify the development, as set out in the Framework. The proposed development is therefore contrary to Local Plan Policy RE2 and would conflict with the development plan as a whole.

Conclusion

15. For the reasons set out above, the appeal is, therefore, dismissed.

RJ Redford

INSPECTOR