



Appeal Decision

Site visit made on 21 February 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 MARCH 2023

Appeal Ref: APP/R3650/D/22/3305597

Woodlands Corner, Shackleford Road, Elstead, Godalming, GU8 6LB

- 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 and Mrs Moyle against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01328, dated 6 May 2022, was refused by notice dated 30 June 2022.
 - The development proposed is a conservatory to side elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt; and
 - (c) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. The National Planning Policy Framework (the Framework) advises that in the Green Belt, development should be regarded as inappropriate. However, Paragraphs 149 and 150 set out exceptions, where subject to certain requirements, development in the Green Belt might not necessarily be considered inappropriate. Paragraph 149(c) of the Framework states that the extension or alteration of a building is not inappropriate development in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building.
4. Policy RE2 of the Waverley Local Plan Part 1: Strategic Policies and Sites 2018 (LPP1) and saved Policy RD2 of the Waverley Local plan 2002 (WLP) are reasonably consistent with the Framework in these regards and any minor textual differences do not materially alter or conflict with the nature or intent of the Framework policy.

5. The Framework does not explain what is meant by 'disproportionate'. It is a matter therefore of planning judgement. The Council's 'Residential Extensions' Supplementary Planning Document 2010 (SPD) states that proposals which result in increases of floorspace of more than 40% over the original building will generally be resisted. The Council notes that the footprint of the original dwelling has already been extended over this 40% figure. Indeed, the Council indicates that the proposed extension would result in a cumulative increase of 74.4% over the original building. The appellant does not disagree with these figures.
6. I acknowledge that the SPD is only a guide. However, a 74.4% larger building would be considerably in excess of what the SPD considers acceptable. Indeed, I find that this scale of enlargement cannot reasonably be considered to represent anything but disproportionate additions over and above the size of the original building, which is the test of the Framework. It is therefore inappropriate development in the Green Belt.
7. In addition to conflicting with Policy RE2 of the LPP1 and Policy RD2 of the WLP, the proposal would also be contrary to Paragraph 149(c) of the Framework. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. Paragraph 137 of the Framework states: 'the 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'. Openness is not defined in the Framework but in determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts.
9. The proposal would result in the addition of an extension to an existing property, thereby introducing built form where none previously existed. Consequently, there would be some spatial loss of openness of the Green Belt. There is screening to the site's boundaries and given its position, the conservatory would not generally be visible from public vantage points. Nevertheless, the increased quantum of built development at the site means that there would be a small loss of openness to the Green Belt.

Other Considerations

10. The appellant notes that there is no harm in terms of the conservatory's design and appearance. However, the development being acceptable in design terms would be a prerequisite of such a proposal and so is a neutral factor in this case.
11. Similarly, the proposed structure is said to be modest in size and height and thus subordinate to the existing property. The building is also noted as being small in comparison to the overall size of the plot. However, Green Belt policy is subtly different, requiring the works to result in development that is not disproportionate to the original building. As such, neither the height and size of the existing building nor the size of the plot are matters which can weigh positively in favour of the scheme.

Green Belt and Planning Balance

12. The development is inappropriate development in the Green Belt which by definition is harmful. It would also result in a small loss of openness of the Green Belt. As such, the Framework requires that the harm I have identified be given substantial weight and that inappropriate 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 is clearly outweighed by other considerations.
13. The weight I could ascribe to those considerations in favour of the proposed development would be limited and insufficient to justify the proposed development owing to the substantial weight that should be ascribed to any harm to the Green Belt. Very special circumstances do not therefore exist.
14. The development is contrary to the Framework and to the development plan which seek to protect the Green Belt. I have considered all other matters raised but none outweigh the conclusion I have reached.

Conclusion

15. For the reasons set out above, the appeal should be dismissed.

Stewart Glassar

INSPECTOR