



Appeal Decision

Site visit made on 10 January 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12TH May 2023

Appeal Ref: APP/R3650/W/22/3302499

Derrysbourne, Cranleigh Road, Wonersh, Guildford, Surrey GU5 0QZ

- 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 G Jones against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01085, dated 25 March 2022, was refused by notice dated 16 June 2022.
 - The development proposed is a replacement dwelling following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has brought to my attention the adoption of its Climate Change and Sustainability Supplementary Planning Document (adopted October 2022) which postdates the submission of this appeal. The appellant has been given the opportunity to provide comments on this.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area, having specific regard to the Area of Great Landscape Value (the AGLV); and
 - whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The existing dwelling is a modest detached 2 storey property with a pitched roof and a single storey wing which projects to the side elevation. It is of a traditional design, with a low profile, set into the slope of the rising land on

which it sits. The appeal site lies within an area of open countryside, which includes sparsely scattered residential development adjoining open fields and areas of woodland. There is one immediate neighbour, which lies to the front of the existing dwelling, close to the access to the site from the shared private driveway.

5. The appeal site is located within the Metropolitan Green Belt. 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. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to specified exceptions. One such exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites adopted February 2018 (LPP1) seeks to protect the Green Belt from inappropriate development and sets out that proposals for new development should be assessed in accordance with the Framework.
7. Saved Policy RD2A of the Waverley Borough Council Local Plan 2002 (WBCLP) sets out criteria against which proposals for replacement dwellings in the Green Belt will be assessed, including that the replacement is not materially larger than the dwelling it replaces. However, unlike paragraph 149 d) of the Framework it does not require the new building to be in the same use. Therefore, it is not wholly consistent with the Framework. However, the supporting text for Policy RD2A, whilst not policy, indicates that, in assessing whether a replacement is materially larger, regard will be had to factors including footprint, bulk, ridge and eaves height. As a guideline, it sets out that proposals which would involve an increase in floorspace of more than 10% are regarded to be materially larger for the purposes of saved Policy RD2A.
8. This particular appeal proposal would be the same use as the existing. In determining whether the appeal proposal is materially larger, the appeal submissions indicate that, without the unimplemented extensions, the floor area of the dwelling is approximately 219m². I note the appellant's assertion that the 'existing' floor area of the dwelling is in fact much greater, taking account of extant unimplemented consents for extensions to the property and I address this further later in my decision. However, the test at paragraph 149 of the Framework relates to the building to be replaced, which in this case is the existing dwelling as it stands in its current form.
9. The appeal submissions indicate that the proposed replacement dwelling would have a floor area of 367m². In line with the explanatory text to saved Policy RD2A this calculation excludes the subterranean basement which is not designed as living accommodation. This is in excess of the 10% threshold associated with that saved policy.
10. Therefore, it is clear that the proposed dwelling would be significantly greater in both footprint and overall volume than the existing dwelling on site. This is to an extent that is materially larger than the dwelling it would replace. Consequently, it does not fall within the scope of the exception outlined at paragraph 149 d) of the Framework. As the appeal does not fall within any of the Framework's other exceptions it is inappropriate development in the Green Belt.

11. Paragraph 147 of the Framework states that inappropriate development is harmful by definition and should not be approved except in very special circumstances. Moreover, paragraph 148 of the Framework states that substantial weight must be given to any harm to the Green Belt.
12. By virtue of its inappropriateness the proposal fails to accord with Policy RE2 of the LPP1 and saved Policy RD2A of the WBCLP.

Openness

13. The Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open and that essential characteristics of Green Belts are their openness and their permanence.
14. In spatial terms, the appeal proposal would introduce a materially larger building into an undeveloped part of the appeal site. Whilst the spatial effect of this is tempered by the fact that it is a replacement building, it remains that it would be materially larger and would therefore result in a net reduction in the existing level of openness of this part of the Green Belt.
15. In regard to the visual dimension of openness, the site is visible in views across the surrounding countryside, including from the public footpath which crosses the site, as well as from the nearby neighbouring properties. The proposed replacement dwelling is of a greater scale and on higher land. Whilst the proposal would not be any more visually prominent in long and medium distance views of the site than the existing dwelling, visually its presence would be more pronounced from localised vantage points. This too would result in a reduction in the existing level of openness of this part of the Green Belt.
16. Even when having taken account of the appellant's willingness not to construct the proposed double garage and the resulting separation distance from the public footpath, I conclude that the proposed development would give rise to a moderate loss of openness compared to the existing situation, and in that regard, it would conflict with the Framework's fundamental purposes of including land within the Green Belt. In line with paragraph 148 of the Framework I must attach substantial weight to this policy conflict.
17. In summary, I have found that the appeal proposal is inappropriate development in the Green Belt and both spatially and visually will reduce the openness of this part of this important designation. These harms weigh substantially against the appeal proposal.

Character and appearance

18. The appeal site is defined by its residential character, comprising of an existing dwelling of a traditional simple form of limited architectural merit and ancillary residential outbuildings. The dwelling is set in a generous domesticated plot, which includes some shrubs, hedge and tree planting and lawn. It is served by an access driveway from the adjoining private lane. The site, which reflects the surrounding scattered residential development, is largely enclosed by areas of woodland.
19. The submitted Landscape and Visual Impact Assessment (LVIA) highlights the Surrey Landscape Character Assessment (April 2015) which sets out the key characteristics of the Landscape Type (LT) GO Open Greensand Hills and Character Area GO7 Shamley Green Open Greensand Hills in which the site

falls. The appeal site and its context reflect these characteristics, which include an undulating landscape comprising predominantly pastoral with woodland, heathland and paddocks; low to medium density settlement with scattered farmsteads; views across valleys and open farmland to surrounding unsettled wooded hills; and a historic landscape pattern associated with small scale farming and early human occupation.

20. The majority of the appeal site is located just beyond but close to the AONB. The site also falls within the AGLV. As a locally designated site, the AGLV benefits from a level of protection commensurate with its status in accordance with the hierarchy of designated sites. New development within the AGLV is required to respect and enhance the character of the landscape, as set out in Policy RE3 of the LLP1.
21. The appeal site falls within an extensive agricultural and wooded landscape which positively defines the simple, open, rural character of the AGLV. Whilst not unduly prominent from medium and longer distance views, by virtue of its increased scale, more elevated position and proximity to outbuildings under construction, overall the appeal scheme would have a more commanding presence when experienced from localised vantage points, including those along the nearby public footpath
22. Nonetheless, my site observations concur with the LVIA conclusions that the proposal would generally preserve landscape elements, including the profile and terrain of the site, despite the minor adverse effects due to excavations and levelling around the building. Features including native tree and hedgerow planting are to be retained and reinforced. Moreover, the proposals would effectively replace one built form with another, and any change would be inconsequential in character terms and consequently that landscape factors and the condition and distinctiveness of the AGLV and AONB would be unaffected. The proposal would be adequately screened, due to the topography of the land together with the existing landscaping within the area. Specifically, medium to long distance receptors would either not experience any change, inconsequential negligible change or would experience positive change due to new structural planting and high quality design.
23. For these reasons, contrary to the Council's assertion, the proposed dwelling would have no greater impact on the landscape character of the AGLV or the setting of the AONB than the existing dwelling. This is a neutral factor in the planning balance.
24. In light of the above considerations, I conclude that the proposal would not harm the character and appearance of the area and would protect and enhance the character and qualities of the AGLV. In that regard it would accord with LPP1 Policy RE3 which sets out that new development must respect and where appropriate, enhance the character of the landscape in which it is located and also the high quality design aims of LPP1 Policy TD1, which among other things requires development to respond to the distinctive local character of the area in which it is located. It would also accord with Policies D1 and D4 of the WBLP which collectively require regard to be had to the environmental implications of development, including the effect of development on areas of landscape value and policies in the Framework which seek to protect and enhance valued landscapes in a manner commensurate with their statutory status or defined quality in the development plan.

Other considerations

25. There is no evidence before me to suggest that there is not a real prospect that the extant permissions for extensions¹ to the existing dwelling would be implemented if this appeal was dismissed.
26. In comparing the 2 development scenarios I note that the appeal proposal has a more compact footprint and a greater level of cohesion in its design which better reflects the local vernacular. Furthermore, unlike the fallback scheme it would secure greater separation from the public footpath, landscaping, and biodiversity enhancements. In these regards the appeal scheme is more beneficial than the fallback position advanced by the appellant.
27. Nonetheless, crucially by virtue of its more elevated position, hipped roof component and increased eaves height, visually the appeal proposal would have a significantly greater negative impact on openness of the Green Belt than the fallback position.
28. Consequently, I conclude that overall, the fallback position would not be more harmful than the appeal scheme. Rather, the impacts of the 2 schemes whilst different would be of an equivalent level. Therefore, the existence of the fallback position advanced by the appellant is not a matter which weighs in favour of the appeal proposal.
29. My attention is also drawn to various further extensions which it is suggested could be constructed as permitted development. However, there is no lawful development certificate before me confirming that these works would in fact be permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). As such, I cannot therefore be certain that this represents a genuine fallback position and accordingly is not a matter which attracts any weight.
30. There is support from interested parties for the replacement of the existing dwelling, because of its current state of repair and limited architectural merit. I agree that its replacement with a new dwelling of a better quality design would be a benefit of the appeal, to which I attach limited favourable weight.
31. The appeal submissions demonstrate that the existing dwelling is of poor construction and poorly insulated. The appeal proposal includes a range of energy efficiency measures in accordance with the Council's Climate Change and Sustainability Supplementary Planning Document. Nevertheless, as this is a policy requirement in any case, this is a benefit which would be of limited favourable weight.
32. In addition, the proposal would also include biodiversity enhancement measures including tree and hedge planting. However, in light of the lack of specific details in that regard, this carries limited favourable weight.
33. The appeal submissions also indicate that the existing overhead electricity lines are to be removed and replaced underground. Whilst this would remove the structures from the landscape, they are not a particularly visually obtrusive feature or are alien to this rural landscape. I therefore attribute this very limited favourable weight.

¹ WA/2020/1686 and DW/2020/0049

34. The Council has indicated that it is not able to demonstrate a 5 year supply of deliverable housing sites. However, as the proposal is a one for one replacement and there would be no net gain in the overall number of residential units, the appeal scheme's contribution to the shortfall in housing is of neutral consequence to my assessment.
35. Matters raised by the appellant relating to the events leading up to the determination of the planning application fall beyond the scope of the assessment of the appeal proposal.

Whether very special circumstances exist

36. I have found that the appeal proposal represents inappropriate development in the Green Belt, which is harmful by definition. It will also cause moderate harm to openness which is the key objective of Green Belt policy. In accordance with paragraph 148 of the Framework, this harm to the Green Belt must be given substantial weight, weighing against the appeal proposal.
37. In terms of the other considerations, I have found that there are no other matters weighing against the appeal proposal. I have also found that the appeal proposal will provide benefits in terms of design quality and the proposed energy efficient credentials, along with biodiversity enhancements, each of which carry limited weight in favour of the appeal proposal. I have also attached very limited weight to the benefit that would arise from the proposed subterranean electricity supply.
38. For the reasons set out earlier in this Decision, I attribute no weight to the fallback position advanced by the appellant or the contribution to the local housing land supply.
39. The demonstration of very special circumstances is an extremely high policy bar. Overall, I conclude that the matters weighing in favour of the appeal proposal, even in their collective totality, do not clearly outweigh the harm to openness of this part of the Green Belt that I have found.
40. Consequently, in this particular instance the very special circumstances required to justify allowing this appeal do not exist. Therefore, in the context of paragraph 11d of the Framework the application of its policies that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

Conclusion

41. In view of the identified conflict with Policy RE2 of the LPP1 and saved Policy RD2A of the WBCLP, the appeal proposal conflicts with the development plan when taken as a whole. Moreover, I have found that very special circumstances do not exist to justify allowing this particular development in the Green Belt. Consequently, both local and national Green Belt policy provide a clear reason for refusing the appeal proposal. Therefore, there is no justified basis to allow this appeal contrary to the development plan when taken as a whole. For these reasons, the appeal should be dismissed.

E Worley

INSPECTOR