



Appeal Decision

Site visit made on 21 March 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/Y3615/D/21/3285558

West Flexford Barn, West Flexford Lane, Wanborough, Guildford GU3 2JW

- 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 Toby Wells against the decision of Guildford Borough Council.
 - The application Ref 21/P/01238, dated 31 May 2021, was refused by notice dated 4 August 2021.
 - The development proposed is construction of housing for biomass pellet boiler and associated pellet store.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of housing for biomass pellet boiler and associated pellet store at West Flexford Barn, West Flexford Lane, Wanborough, Guildford, GU3 2JW in accordance with the terms of the application, Ref 21/P/01238, dated 31 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (drawing no. P.01), Proposed Block Plan (drawing no. P.02), Site Plan (drawing no. P.03), Proposed Plan (drawing no. P.04), Proposed Elevations (drawing no. P.05), Proposed Section AA (drawing no. P.06).

Preliminary Matter

2. During the course of the appeal the Council adopted the Guildford Borough Local Plan: Development Management Policies (adopted 22 March 2023) (DMP) which supplements the policies in the Guildford borough Local Plan: strategy and sites 2015 – 2034 (adopted 2019) (Local Plan). The main parties were provided with an opportunity to comment on the relevance of the DMP to this appeal. I have taken the comments received into account in my determination of the appeal.

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 of the proposal on the openness of the Green Belt; and

- 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

4. The appeal site is in the Green Belt. Policy P2 of the Local Plan provides that, amongst other things, the Metropolitan Green Belt, as designated on the Policies Map, will continue to be protected against inappropriate development in accordance with the Framework.
5. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate development. There are however a limited number of exceptions to this, as set out in paragraph 149 of the Framework. Similarly, paragraph 150 of the Framework provides that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
6. The proposal, for the construction of housing for a biomass pellet boiler and associated pellet store, would be sited approximately 12 metres away from West Flexford Barn, and beyond an access road. Hence, I consider that it would not constitute an extension to West Flexford Barn for the purposes of paragraph 149 c) of the Framework, which relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. Neither the Council nor the appellant have identified any other exceptions to inappropriate development within paragraphs 149 or 150 of the Framework which might potentially be applicable to the proposal. Taking account of the nature of the proposed development, I consider that none of these exceptions are applicable.
8. I therefore find that the proposal would represent inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

9. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
10. The proposed structure would be approximately 4 metres wide, approximately 6.9 metres deep, and approximately 3.3 metres tall. As such, given its modest size in its proposed position sited near to a number of other much larger buildings (but on slightly lower ground), its visual impact when viewed within the site, including from nearby views along the access road next to West Flexford Barn, would be limited.
11. Additionally, views of the proposed development from further afield, if any, would be very limited due to the thick array of hedgerow present along much of West Flexford Lane in the vicinity of the site, and the banks of trees along

the western boundary of the site which obscure much of the site from public viewpoints. Accordingly, the proposal would have a limited reducing effect on the openness of the Green Belt in visual terms.

12. Nevertheless, the proposal would introduce a new building of a not-insignificant height, bulk and massing into an otherwise open and vacant area of land. This would have a reducing effect on the openness of the Green Belt in spatial terms, although this effect would be limited by the modest size of the proposal. Hence, the proposal would cause harm to the openness of the Green Belt in terms of its spatial impact.

Other Considerations

13. The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. The size of the proposed structure meets the minimum requirements of the UK Pellet Council. As such, its size is commensurate with its intended purpose. Due to constraints pertaining to the access road and the land close to West Flexford Barn, it would not be reasonable for the proposed structure to be positioned to the immediate rear of West Flexford Barn or within the wider developed area of the site. Similarly, due to the regular maintenance required for biomass boilers, including the emptying of ash and the removal of soot, it would not be practical for the boiler to be situated near to habitable spaces. However, these matters merely relate to the rationale for the proposed location for the proposal within the site and so are neutral factors, which do not weigh in favour of the proposal.
15. Mention has been made of the potential exercise of permitted development rights for the installation of a heating oil tank, which according to the appellant have not been withdrawn by any previous permissions. Based on the information before me, which includes an assessment of such a scheme against the relevant conditions and limitations of the General Permitted Development Order (GPDO), I consider that there is a real prospect that this development might take place in the event that this appeal is dismissed. Whilst no detailed drawings have been provided, given the requirements of the GPDO referred to, it is likely that a structure could be constructed of a similar size and scale as that under consideration in this appeal, with a correspondingly similar impact on the openness of the Green Belt. As such, this is a matter which attracts substantial weight in support of the proposal.
16. The proposal would allow for the housing of a biomass boiler and pellet store which would provide a reliable source of low carbon heating and hot water to West Flexford Barn and The Gatehouse. Given that the proposal would enable 2 properties to be served by renewable energy on a continuous basis, with an overall reduction in fossil fuel use, I have given this consideration substantial weight in support of the proposal.

Balancing of considerations and whether very special circumstances exist

17. The proposal would be inappropriate development in the Green Belt and would result in a reduction in its openness. These matters carry substantial weight.

18. The combined weight of the other considerations in support of the proposal is very substantial. Accordingly, as a matter of planning judgement I find that the other considerations in this case clearly outweigh the totality of the harm that I have identified. Reference has been made to appeal decision Ref APP/Y3615/D/20/3259707, however that proposal involved storage for machinery and involved a different scale of proposed development in a different location on site. Given these differences, that scheme is not directly comparable with the proposal before me, and it does not change my findings.
19. Paragraph 151 of the Framework provides that, amongst other things, very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Considering this policy position, in assessing the proposal as a whole I consider that very special circumstances exist which justify the proposed development. Therefore, the proposal would comply with the Green Belt aims of Policy P2 of the Local Plan and the Framework, and consequently would be acceptable.

Conditions

20. I have had regard to the conditions suggested by the Council. I have considered them against the advice on conditions set out in the Framework and the Planning Practice Guidance. Conditions are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development and the approved plans respectively.
21. I have not imposed a condition requiring the control of the external materials since sufficient detail thereof is shown on the approved plans which are covered by a separate condition.

Conclusion

22. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR