



Appeal Decision

Site visit made on 18 April 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/Y3615/D/22/3312046

Sunnyside, Rowe Lane, Pirbright GU24 0LX

- 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 Hodgson against the decision of Guildford Borough Council.
 - The application Ref 21/P/01820, dated 14 July 2022, was refused by notice dated 14 September 2022.
 - The development proposed is described as the erection of a gate and associated fencing alongside the boundary of a residential property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The postcode of the appeal site differs on the planning application to that on the decision notice, appeal application and the appellant's statement of case. Within the header I have used the postcode shown on the latter documents.
3. The proposed development is retrospective and from my observations on site, the plans represent that which has been built.
4. Since the appeal was submitted the Council adopted the Guildford Borough Local Plan: Development Management Policies (LPDMP) on the 22 March 2023, which forms part of the development plan. The Council have confirmed which policies are now in place and the appellant has had opportunity to comment on this. I will therefore reference the revised policies in my decision.

Main Issues

5. 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;
 - the effect of the proposal on character and appearance of the area; 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 circumstance necessary to justify the development.

Reasons

6. The appeal site is a large, detached property within a row of similar sized houses on Rowe Lane. Rowe Lane is an access road for these properties and runs parallel to Guildford Road but is separated from it by a relatively mature planting strip. These properties have a variety of hedged and fenced boundaries along the lane, with many driveways either left open or with low level, often non-solid gates. These treatments provide a level of intervisibility between each property and the lane, often with clear glimpses along the driveways which emphasises their setback nature. This is characteristic of the pockets of housing scattered along the various lanes which weave through the fields and woodlands surrounding Pirbright village.

Whether the proposal would be inappropriate development in the Green Belt

7. Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt subject to 7 exceptions. In this context the term 'building' is commonly taken to refer to any structure or erection and so would include a gate and fence. However, there is no provision for a building of the form proposed within paragraph 149, and there is nothing before me stating the gate and fence have replaced, extended, or altered an existing building. Therefore, the proposal, as a new building, would constitute inappropriate development in the Green Belt when paragraph 149 is applied.
8. Nevertheless, it is acknowledged that the appellant does not consider the gate and fence a building, as the Framework does not provide a specific definition within its glossary. Nevertheless, Paragraph 150 of the Framework provides for other forms of development which are also not inappropriate in the Green Belt.
9. However, the proposal does not constitute mineral extraction, engineering operations, local transport infrastructure, the re-use of an existing building, a material change in the use of the land, nor is it development brought forward under a Community Right to Build Order or a Neighbourhood Development Order. Consequently, Paragraph 150 of the Framework does not apply.
10. Therefore, when judged against the wording of the national policy the proposal is inappropriate development in the Green Belt, and contrary to Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (LPSS), which refers directly to the tests in the Framework.
11. Due to the scale of the proposal, it is unlikely to prejudice any of the purposes of including land in Green Belts. Nevertheless, as set out above the proposal is inappropriate development and paragraph 147 of the Framework states that by definition inappropriate development is harmful and should not be approved except in very special circumstances.

Openness

12. The gate and fence are solid, fabricated structures located where such structures did not previously exist. It is appreciated the new planting means the fence is less visible than the gate, and the planting strip along Guildford Road provides some additional screening. However, the openness of the Green Belt has a spatial aspect as well as a visual aspect. The proposal encroaches into an area previously open and beyond the other built structures within the appeal site. Therefore, it physically reduces the openness of the appeal site and the Green Belt it is part of.

13. Therefore, the proposal affects the openness of the Green Belt, but only to a limited degree, due to the scale of the proposed development.

Character and appearance

14. The solid form, size and colour of the gate is suburban in design, and not characteristic of Rowe Lane or the driveway accesses to other properties in the immediate area. They are of a style and form at odds to the wider wooded and pastoral setting of both Rowe Lane and Guildford Road, and more generally the rural setting of Pirbright village.
15. However, the screening of the fence by the yew hedge ensures the visual impact of the fence is minimised. The hedge along with the bank forms a type of boundary treatment which is in keeping with other properties in the surrounding area, and the continued retention of the hedge could be conditioned to ensure the fence is visually acceptable when viewed from the lane.
16. The lack of objection from nearby residents is noted, as are the examples submitted by the appellant. However, there is nothing before me stating the examples are lawful, and the existence of similar development does not mitigate the harm I have identified.
17. In conclusions, although I do not find the fence harmful, the gate does cause modest harm to the character and appearance of the area. The gate would therefore fail to comply with LPSS Policy D1, and LPDMP Policy D4 insofar as they seek high quality design which reflects the distinct local character of an area.

Other circumstances

18. The appellant considers the proposal necessary to control access into and out of the site, namely keeping dogs and children in, and trespassers and deer out; and that it reduces the impact of increased traffic along Guildford Road. However other steps could be taken to control access to the property, and it has not been shown that the fence and gates have been constructed with specific qualities to reduce air and noise pollution from the road. Therefore, these factors are of limited weight.
19. A lack of harm in relation to highway safety and the living conditions of neighbours, are neutral factors so cannot, by definition, weigh for or against the proposal. This would also be the case for the lack of harm identified in relation to the fence's impact on character and appearance. The appellant's connection with the area is also noted but this does not justify why the fence and gate are required.

Planning Balance and Conclusion

20. Paragraph 148 of the Framework requires substantial weight to be attached to any harm to the Green Belt. The proposal as a whole is inappropriate development in the Green Belt and the gates cause harm to the character and appearance of the area. The other considerations do not clearly outweigh the totality of this harm, therefore, the very special circumstances necessary to justify the development do not exist.

21. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed

RJ Redford

INSPECTOR