



Appeal Decision

Site visit made on 1 August 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2023

Appeal Ref: APP/Y3615/D/23/3315128

Shepherds Hill Broadfield Road, Peaslake GU5 9TB

- 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 Jon Wood against the decision of Guildford Borough Council.
 - The application Ref 22/P/00046, dated 12 January 2022, was refused by notice dated 24 November 2022.
 - The development proposed is a replacement external storage building.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement external storage building at Shepherds Hill, Broadfield Road, Peaslake GU5 9TB in accordance with the terms of the application, Ref 22/P/00046, dated 12 January 2022, 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: 2570/20, 2570/21, 2570/22, 2570/24, 2570/25, 2570/23.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be timber boarding stained dark brown or black in colour.

Main Issues

2. 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 character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).
 - If the proposal is inappropriate development, the effect 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

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.
4. Of relevance to this appeal is that 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' is listed as an exception in paragraph 149d. These requirements are broadly echoed by Policy P2 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (2019) (Local Plan).
5. There is currently a storage container on the site, which is 6m wide x 2.75m deep x 2.6m high. The appellant states this has been in existence for a period of over 10 years since 2022 and is used in connection with the residential use of the main dwelling. The LPA have taken the view that the storage container was for the purposes of constructing the existing house, from their evidence this appears to have occurred in around 2013-2016. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine the lawfulness of a building. However, I shall consider the evidence in this regard in so far as it is material to this appeal.
6. Both parties' evidence indicates that the building has been in place for at least four years. No enforcement action may be taken in respect of any unauthorised operational development after the end of the period of four years. Whilst the container may have been originally used in connection with construction works, these are said to have ceased in 2016. Given there is no other use on the site, I am satisfied that the existing building has been in ancillary residential use for over four years. Nor do I have any indication that the LPA has taken, or is likely to take, enforcement action.
7. The proposed shed would be 7m wide x 3m deep with a pitched roof between 2.1m to 2.6m high. Although there would be an increase to the width and minimal increase to the depth, there would be a reduction in height to parts of the roof. Nevertheless, taken together, the size of the proposed building would not be materially larger than the existing storage container.
8. As such the development would be the replacement of a building in the same use and not materially larger than the one it replaces. Consequently, it would not be inappropriate development in the Green Belt. It would therefore be in accordance with Policy P2 of the Local Plan and section 13 of the Framework in this regard, the aims of which are set out above.

Character and Appearance

9. The appeal site includes a large dwelling within a substantial plot on land which slopes steeply away from the dwelling and is mostly open with grass and trees. Shepherds Hill was constructed as a replacement for a smaller dwelling. Nevertheless, the new dwelling is constructed and occupied and therefore I

have considered the effect of the proposed development on the basis of the existing character and appearance. The storage container is close to the gated access to the site and to the site's boundary with the private access road. This boundary is mainly lined with trees and hedges although there are some gaps.

10. The site is located within the AONB and AGLV. The Framework requires that I give great weight to conserving and enhancing landscape and scenic beauty in this area and it has the highest status of protection in relation to these issues.
11. The proposed shed would be partially screened by the planting along the boundary of the site, and would be set into the land which would reduce the appearance of its height. Whilst it would be towards the top of a hill in a visible position, it would be in an unobtrusive design and appearance and would be seen in the context of the existing house, access, and formal planting. It would be similarly visible as the existing storage container, and would not result in excessive built development in this context. As such it would not be harmful to the character and appearance of the area including the AONB and AGLV.
12. The proposed development is close to existing Ash trees, and it may impact on their stability. However, these trees are highly likely to be affected by Ash Dieback disease. As such their loss is likely even without the development in place. Consequently, the proposed development would not be harmful in this respect.
13. Therefore, the proposed development would be appropriate to the character and appearance of the area. As such it would be in accordance with Policy P1 of the local plan which, in part, requires that the special landscape and scenic beauty of the AONB will be conserved and enhanced, and that the distinctive character of the AGLV would not be harmed.
14. Policy P3 of the Local Plan relates to areas designated as countryside in the local plan policies map, which does not apply to this site. Therefore, the policies set out above are more relevant to this main issue.

Openness and Very Special Circumstances

15. The proposed development would be a modest replacement building, which is not materially larger than and similarly visible to the one that it would replace. As such it would not increase the overall impact on the spatial or visual openness of the Green Belt. Notwithstanding, the development is not inappropriate, consequently I am not required to assess the impact of the development on the openness of the Green Belt nor whether there are any very special circumstances.

Conditions

16. I have considered the Council's suggested conditions. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. The Council have requested a condition that the outbuilding is constructed in dark stained timber boarding. This is necessary in the interests of the character and appearance of the area. However, as a result, a condition requiring that the materials match the existing building is not needed.

Conclusion

17. For the reasons given I conclude that the appeal should succeed.

H Miles

INSPECTOR

