



Appeal Decision

Site visit made on 6 June 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/R3650/D/22/3312156

Truxford House, Thursley Road, Elstead, Godalming GU8 6LW

- 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 Nicholas Laycock against the decision of Waverley Borough Council.
 - The application Ref WA/2022/00324, dated 15 November 2021, was refused by notice dated 8 September 2022.
 - The development proposed is garden cabin.
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Decision

1. The appeal is dismissed.

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 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 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. Criterion c) of paragraph 149 states that one such exception is 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.
4. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, adopted February 2018 (WLP) states that the Metropolitan Green Belt will be protected against inappropriate development unless very special circumstances exist. In this regard it is broadly consistent with the approach of the Framework.

5. The term building¹ includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. In applying this definition, the proposed pool house would be regarded as a 'building' for the purposes of the Framework. However, the appeal site is a large detached residential property, and the proposal seeks the introduction of new development some distance (approximately 20 metres) from the original property. As such, this cannot be considered an extension or alteration to that building and the 149 c) exception would not apply.
6. Accordingly, the development would be inappropriate development in the Green Belt. Paragraph 148 of The Framework instructs that substantial weight should be given to any harm to the Green Belt, and 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.

Effect on openness in the Green Belt

7. There are spatial and visual aspects to the assessment of the openness of the Green Belt. In spatial terms, the proposed pool house would provide a larger quantum of built development than currently exists on site. Whilst modest, it would nevertheless have an adverse impact on the openness of the Green Belt in spatial terms, in that openness would be reduced.
8. With regard to the visual aspect, the property and its curtilage have limited public views along Thursley Road given the existing gated treatment and green boundary consisting of well-established trees, hedges and shrubs along the roadside providing a good screen of the proposal. The site itself also occupies a ribbon of residential development along this part of Thursley Road. The pool house would be located at the side and the rear of the dwellinghouse, which would obscure it from most public views, along with the existing green boundary treatments. Therefore, I conclude in visual terms, that the appeal scheme would have no significant effect on the visual aspect of openness of the Green Belt.
9. Overall, whilst I find there would be no harm to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt.

Other considerations

10. The appellant refers to a fallback position and has presented a Lawful Development Certificate (LDC)² for the erection of an outbuilding and an open fronted gazebo within the curtilage of the appeal site. The appellant highlights that the LDC scheme would have a larger combined footprint and higher ridge heights than the appeal proposal. As such I accept that the fallback position is available and a material consideration in the assessment of the proposal. Furthermore, I accept that there is a real possibility that it would be implemented should planning permission for the appeal scheme be refused.
11. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. With regard to impact on

¹ Section 336 of the Town and Country Planning Act 1990

² Waverley Borough Council Planning Ref: WA/2023/00139

spatial openness, it is acknowledged that the appeal scheme would represent a more modest quantum of development than that proposed under the LDC. I also accept that there would be little difference regarding the impacts of the respective schemes in each of the proposals on the visual openness of the Green Belt, given the screening effects of the existing dwellinghouse and the extensive greened boundary.

12. However, as there is no mechanism before me to prevent the buildings approved under the LDC from being constructed, in addition to the appeal proposal, there is no certainty that both schemes would not be built. In such circumstances there would be a greater impact on the openness of the Green Belt than either the individual LDC scheme or the appeal proposal. As such, the cumulative loss of openness would lead to a greater harm. Consequently, the fallback position does not amount to the very special circumstances necessary to justify the development in the Green Belt. Therefore, I apportion this fallback position limited weight.

Green Belt Balance

13. The proposal is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The harm to the openness of the Green Belt in this case is at odds with local and national policy to protect the Green Belt. Any harm to the Green Belt is a matter that carries substantial weight. There is no other harm in this case.
14. The other considerations outlined above are individually and cumulatively of insufficient weight therefore to clearly outweigh the harm to the Green Belt. Consequently, very special circumstances to justify the development do not exist. As such, the proposal conflicts with paragraph 148 of the Framework.

Conclusion

15. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR