



Appeal Decision

Site visit made on 8 June 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/R3650/W/22/3308781

The Garden Cottage, Farnham Road, Tilford, Surrey, Farnham, GU10 2AT

- 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 & Mrs S Pinto against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01052, dated 25 March 2022, was refused by notice dated 20 July 2022
 - The development proposed is the Demolition of Existing Detached Dwelling and Construction of Replacement Detached Dwelling
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development 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 development on the openness of the Green Belt, and;
 - Whether the 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 National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
4. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraphs 149 and 150 of the Framework. One such exception, at paragraph 149 d), is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy RE2 of the Waverley Borough Local Plan Part 1(2018) and the saved policy RD2A of the Waverley Borough

Council Local Plan (2002) are consistent with this. There is no evidence before me to suggest that the proposed development would meet any of the other exceptions in the Framework.

5. The existing dwelling is a single storey chalet bungalow with some accommodation within the roof space and a conservatory to the rear. The proposed replacement dwelling would be two storeys with a single storey element to the front for a study.
6. The Council and the appellants agree that the proposed development represents an increase of 53% of the gross external area, when compared to the existing dwelling which it would replace. The saved policy RD2A of the Waverley Borough Council Local Plan (2002) advises that proposals which would involve an increase in floorspace of more than 10% are likely to be regarded as 'materially larger' for the purposes of the policy. Accordingly, the increase in floorspace would be over five times larger than that which is advised by policy. This increase would be far in excess of the advice in policy RD2A. Although the Framework does not expressly define the term, I consider that as a matter of fact and degree, the proposed development would be materially larger than the building it replaces due to the size and scale of the alteration. As such, the proposed development fails to accord with the policies referred to above and paragraph 149 of the Framework. It is therefore inappropriate development.
7. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Openness

8. Openness can be perceived spatially and visually. Spatially, the increase of 53% would be considerable. By occupying space that was previously undeveloped, the development has inevitably reduced the openness of the site. Visually, the proposed development would have limited presence in public views. It is located above Sands Lane and is accessible via a steeply graded track, which contains a significant level of vegetation. However, openness can mean the absence of development irrespective of the degree of visibility of the land in question from public vantage points. The change over the existing situation would be appreciable and the scheme would make a marked difference to openness within this area. Overall, there is considerable harm to openness, to which, as set out in the Framework, I give substantial weight.

Other considerations

9. There are two extant permissions for the erection of an extension following the demolition of an existing conservatory¹, and the erection of a single storey extension following the demolition of an existing conservatory². Cumulatively, these permissions would increase the floor space, bulk and mass of the existing dwelling, resulting in a roughly comparable gross external area to the proposed development. The appellant's case is that the extant permissions would form a realistic fall back position should this appeal be refused, and thus that a substitution of development should be consequently allowed. There is no information before me which contradicts the appellants' case that they would

¹ WA/2021/02228

² WA/2021/0421

not pursue these permissions, if necessary, on the basis of their ongoing additional space requirements. Thus, having considered similar recent appeal decisions³, I consider that the extant permissions are likely to be a valid fall back position.

10. However, the extant permissions only enable works at the ground floor level and would not permit any extension of the building on the upper floors. Although there may be a minor overall reduction in total footprint, as the proposed development would be two storeys, it would result in the building having a greater vertical bulk and mass than the extant permissions. As such, the proposed development would be vertically larger than the one it is replacing due to the increase from a predominantly single storey building to a full two storey structure. Therefore, the extant permissions are not sufficiently comparable to the proposed development. Additionally, in comparison with the existing dwelling and combined extant permissions, while the increase in height will be relatively minor, the form of the roof would be altered to take on a box-like and bulky appearance. This would give it a dominating vertical mass. For these reasons, the proposed development would have a greater impact on the openness of the Green Belt.
11. I have considered that the appellant intends to construct the proposed development using principles of good sustainable design and enhanced aesthetics. Regarding appeal decision APP/V3120/A/12/2188869, I recognise that substantial weight can be attached to good design and that it is a key aspect of sustainable development. Regarding appeal decision APP/R3650/20/3248609, I note that the Inspector in that decision gave very substantial weight to the visual improvement of that scheme, alongside the lesser impact on openness. However, for the reasons discussed above, due to the bulky appearance of the proposed development, I do not find that this proposal would be aesthetically more pleasing than the fall-back position. As there would not be a marked improvement in design terms, the design of the proposed development does not carry positive weight in favour of the development.
12. I have considered that the proposed development would result in an 85% reduction in CO2 emissions over the fallback position. This consideration carries modest weight in favour of the proposal.
13. Furthermore, I accept that the proposal would enhance the living conditions of the occupiers of the property, providing them with additional accommodation. I note the reasons why the appellants want a larger house, but these are personal circumstances which carry little weight.
14. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other matters

15. The appeal site is located within an Area of outstanding natural beauty (AONB). Great weight should be given to conserving and enhancing landscape and scenic beauty in an AONB⁴. However, due to the isolated design of the

³ Appeal Ref: APP/R3650/D/20/3248735

⁴ Paragraph 176 of the Framework

proposed development and the limited visibility of the appeal site, I find that there would be no harm to the landscape.

Planning Balance

16. The Council has identified that it can only currently demonstrate a housing land supply of 4.3 years. Therefore, as the Council cannot demonstrate a five-year housing land supply, in line with paragraph 11d) and footnote 8 of the Framework, the policies which are most important for determining the application are deemed to be out-of-date. In such circumstances, the Framework sets out that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance (as detailed in footnote 7) provides a clear reason for refusing the development proposed. Land designated as Green Belt is included within the list of policies that protect areas or assets of particular importance and which provide a clear reason for refusing the development. I have found that the appeal proposal would harm the Green Belt. There is therefore a clear reason for refusing the development proposed. The Framework policy relating to Protecting Green Belt land in paragraphs 147 and 148 also indicate that substantial weight should be given to any harm to the Green Belt and that any inappropriate development should not be approved except in very special circumstances. As such, the Framework's presumption in favour of sustainable development does not apply to this appeal. The development would result in harm to the Green Belt, contrary to a number of policies from the development plan as referenced above.

Green Belt Balance

17. I have found the proposal would be inappropriate development in the Green Belt, a matter which the Framework requires me to give substantial weight. Even when taken together, there are no other considerations which clearly outweigh the harm by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development have not been demonstrated.

Conclusion

18. I have found that the appeal scheme conflicts with development plan policy. No material considerations have been demonstrated which would outweigh the development plan conflict. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR