



# Appeal Decision

Site visit made on 5 September 2023

**by J Moore BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 October 2023**

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**Appeal Ref: APP/Y3615/D/23/3319549**

**3 Shere Court, Hook Lane, Shere, Guildford GU5 9QH**

- 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 Philip Cooper against the decision of Guildford Borough Council.
  - The application Ref 22/P/01692, dated 4 October 2022, was refused by notice dated 25 January 2023.
  - The development proposed is erection of a summerhouse.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of a summerhouse at 3 Shere Court, Hook Lane, Shere, Guildford GU5 9QH in accordance with the terms of the application, Ref 22/P/01692, dated 4 October 2022, and the plans submitted with it.

## Preliminary Matters

2. The planning application was submitted as retrospective development. The Council considered the proposal on this basis, and so shall I.
3. The description of development in my banner heading above is taken from the decision notice, excluding words that are not acts of development. I consider this to be a clearer description than that originally stated on the planning application form.

## Main Issue

4. The main issue is whether the proposed 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; and if so, 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

5. The appeal site lies within the Metropolitan Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; and that the construction of new buildings within the Green Belt is inappropriate development.

6. Policy P2 of the *Guildford borough Local Plan: strategy and sites 2015-2034, April 2019* (LP) seeks to protect the Green Belt from inappropriate development. It sets out that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions within the Framework. Therefore, this policy is broadly in accordance with the Framework, albeit with regard to an earlier version of it. There is no specific exception for ancillary outbuildings within the curtilage of a dwellinghouse within the Framework, nor does Policy P2 address outbuildings as an exception. The Council's position is that the summerhouse is an outbuilding and is inappropriate development within the Green Belt.
7. However, it is established practice to consider whether physically detached outbuildings should be assessed as an exception under paragraph 149 c) of the Framework, which refers 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<sup>1</sup>. Outbuildings may meet this exception if they form a normal domestic adjunct, having due regard to the purpose and use of the proposed outbuilding, its size, and its relationship to the original building. Policy P2 follows the same definition of original building as the Framework. The Framework does not define what might be considered a disproportionate addition, and neither does Policy P2. Therefore, in this case, whether the summerhouse amounts to a disproportionate addition is a matter of planning judgement.
8. The host property is a two storey mid-terrace dwelling within a short-terraced row within a rural area. The summerhouse is about 2.8m high, 2.3m wide and 2.3m deep. Its footprint is about 5.3m<sup>2</sup> and its volume about 14.8m<sup>3</sup>. It is constructed primarily of timber, with a tiled roof and forms a light-weight structure. It is sited about 20m away from the rear elevation of its host, immediately adjacent to a side boundary fence. While this is a considerable distance from the rear elevation of the host, it is within the context of a narrow plot with a long and narrow garden. Its purpose and use are clearly ancillary and incidental to the enjoyment of the dwellinghouse.
9. The evidence before me regarding the original building and any existing additions is limited. The appellant states that the appeal property was constructed after the mid-1960s, and I find no reason to consider otherwise. The appellant states that the footprint of 'the house' is about 59m<sup>2</sup> and the volume is in the region of 440m<sup>3</sup>. Using the appellant's figures, I calculate that the summerhouse results in an increase of about 8.9% in footprint and 4.4% in volume. This represents a very modest addition, and it would certainly not be disproportionate.
10. However, it is not clear whether the appellant's figures refer to the original building. Furthermore, during my visit, I saw a modest conservatory to the rear elevation of the host property, which occupies less than half the width of the property, and two very modest sheds at the bottom of the rear garden. There is no evidence before me as to whether these structures form part of the original dwelling. It is also not clear whether these structures are included in whole or part in the appellant's figures.

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<sup>1</sup> Original building' is defined as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

11. In such circumstances, the size of the original dwelling might be less than the appellant states, and therefore the percentage increase in footprint or volume could be more than I have calculated. In my judgement, even if all three structures were additions to the original dwelling, the resulting cumulative increase in volume or footprint that arises from the summerhouse would not be so significant as to be considered disproportionate.
12. Taking all of the above factors into account, I find that the summerhouse is a normal domestic adjunct, and it does not result in a disproportionate addition.
13. I therefore conclude that the summerhouse is not inappropriate development in the Green Belt. It accords with the Framework, and with Policy P2 of the LP. Consequently, it is not necessary for me to address any balancing exercise, nor whether very special circumstances exist.

### **Other Matters**

14. The appeal site is within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). Due to its size, design and materials, the Council does not consider that the proposed development would harm the character and appearance of its host, nor the wider area, the AONB or the AGLV, and I find no reason to consider otherwise.
15. The appellant's appeal statement refers to the personal health circumstances of the occupiers of the host property. I have had regard to the Public Sector Equality Duty within section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. The proposed summerhouse would assist in meeting the personal health needs of the occupiers of the host property. However, given my conclusion on the main issue, it is not necessary for me to consider this matter further.

### **Conditions**

16. The Council suggested conditions in the event that the appeal was successful. I have referenced the planning application and the plans submitted with it in my formal decision above. The summerhouse is complete and is in accordance with the plans as submitted and in accordance with the materials specified within the planning application. Therefore, separate conditions specifying the plans, a time period for commencement and materials are not necessary.

### **Conclusion**

17. For the reasons given above, and having regard to all other matters raised, I conclude that the proposed development accords with the development plan, read as a whole. No material considerations, including the Framework have been shown to warrant a decision otherwise than in accordance with it. The appeal should therefore be allowed and planning permission should be granted.

*J Moore*

INSPECTOR