



Appeal Decision

Site visit made on 27 September 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Appeal Ref: APP/R3650/D/23/3317163

Meadow Cottage, Brook Road, Brook, Godalming, Surrey GU8 5UP

- 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 Mrs Browett against the decision of Waverley Borough Council.
 - The application Ref WA/2022/02276, dated 6 September 2022, was refused by notice dated 16 December 2022.
 - The development proposed is erection of an outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the date of the decision on the planning application the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (2023) was adopted. Both main parties have had the opportunity to comment on these policies and I have considered the appeal on this basis.

Main Issues

3. 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
 - 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

4. 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. This approach is broadly echoed by Policy RE2 of the Local Plan (Part 1) (2018) (LP Part 1).

5. It is common ground between the main parties that the proposed development does not fall within any of these exceptions and it is therefore inappropriate development. Consequently, it would be contrary to the Framework and Policy RE2 of the LP Part 1 in this regard.

Openness

6. Openness has both spatial and visual dimensions, as held in *Turner [2016] EWCA Civ 466*. The proposed development would introduce an outbuilding where currently there is no development. Consequently, there would be harm to spatial openness. The garden slopes downwards to the rear and is at a higher level than the adjoining fields. It is enclosed by a recently planted hedge. The proposed outbuilding would be visible from the surrounding land as well as in distant views from the adjoining properties. In the long term the boundary hedge would provide additional screening, although when trees are not in leaf and considering land levels it is likely that the outbuilding would still be seen. Therefore, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than existing.
7. Given the visibility of the development and its small scale the harm to openness would be modest, however the proposed development would nevertheless be harmful. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Therefore, it would be contrary to the Framework in this regard.

Other Considerations

8. The proposed development would be used for the maintenance and enjoyment of Meadow Cottage, however this is mainly a private benefit and therefore I afford this minimal weight. Planning permission is sought on a permanent basis and whilst it may be possible to remove the outbuilding, there is no indication that this is likely, or that the development is only intended to be short term.
9. The appellant statement also indicates that beehives, nesting boxes and hedgehog houses would be incorporated into the outbuilding. These details are not indicated in the application submission, albeit they could be secured by condition. However, as the detail is yet to be secured, the extent of any benefit in this regard is limited at this stage. I understand that the occupiers have previously made biodiversity improvements to the garden of this property, including the removal of a Leylandii hedge, and these are positive aims. However, these have already occurred and cannot be considered as benefits of the appeal scheme.
10. The outbuilding would be small, and is a common feature of domestic properties. There is no dispute between the main parties that there would not be harm to the setting of the Grade II Listed Meadow Cottage, the AONB, character and appearance of the area, neighbouring living conditions, and Wealden Heaths SPA and SAC. However, the lack of harm in these regards are neutral factors which do not weigh in favour of the development
11. Some properties within the Green Belt may be able to erect outbuildings under permitted development. However, that would not be possible at Meadow Cottage as it is a listed building. As such the proposed outbuilding must be considered against the development plan and other material considerations including the Framework.

12. My attention is drawn to the following cases *Wychavon District Council v Secretary of State for Communities & Local Government & Ors* [2008] EWCA Civ 692 (2008) and *Basildon District Council, R (on the application of) v Temple* (2004) with regard to the fact that very special circumstances are not required to be unusual or uncommon, and that in some cases a number of factors may combine to amount to very special circumstances. As set out above, I have assessed the considerations put to me in the specific circumstances of this case. However, even considered together, the benefits in this case are limited.

Green Belt Balance

13. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness. There would also be harm to the Green Belt due to the proposed development's modest effect on openness. These issues are not outweighed by the limited benefits advanced by the appellant. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
14. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with Paragraph 148 of the Framework and Policy RE2 of the LP Part 1, the aims of which are set out above.

Conclusion

15. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR