



Appeal Decision

Site visit made on 12 September 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/R3650/W/23/3318259

Heath Stud, Woodhill Lane, Shamley Green, Guildford, Surrey GU5 0SP

- 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 J Kotecha against the decision of Waverley Borough Council.
 - The application Ref WA/2022/00535, dated 3 February 2022, was refused by notice dated 14 September 2022.
 - The development proposed is the erection of one new residential dwelling followed by the demolition of existing equestrian buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since issuing its decision, the Council has confirmed that the Waverley Local Plan 2002 has been superseded by the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies, adopted March 2023 (LPP2). The LPP2 now forms part of the development plan that also includes the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1). The appellant has had the opportunity to comment on this and would therefore not be prejudiced in any way.
3. The appellant has submitted an ecology report during the course of the appeal. If I were minded to allow the appeal, I would have sought the views of interested parties. However, as I am dismissing the appeal for other reasons, I have not pursued this matter further.
4. I have also dealt with another appeal Ref: APP/R3650/W/23/3317560 near this site for storage containers. That appeal is the subject of a separate decision.

Main Issues

5. The main issues are (i) whether or not 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; (ii) the effect of the proposed development on the character and appearance of the area; and (iii) 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 the proposal is inappropriate development in Green Belt

6. 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. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception being the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
7. The Council submit that the equestrian part of the site is previously developed land, whereas the appellant says all parties agree that the application site comprises previously developed land. I have no substantive basis to find differently, or that the development would not involve the partial or complete redevelopment of previously developed land.
8. Policy RE2 of the LPP1 is consistent with the Framework where it says that proposals will be permitted where they do not conflict with the exceptions listed in national planning policy. Additionally, amongst other things, Policy DM14 of the LPP2 sets out certain factors to assess whether a development preserves the openness of the Green Belt. These include, but are not limited to the scale, mass, height, volume, the degree of activity likely to be generated and the extent of existing development.
9. The appeal proposal would see the introduction of a two storey property in a rural area outside of any settlement. The proposed property would be positioned within a fenced off parcel of land that is laid to grass and is broadly associated with adjoining low level equestrian and storage buildings. The equestrian buildings would be demolished and this area would become part of the wider residential unit, include a parking area. I note that planning permission has been granted to enclose an open barn, though at the time of my visit, this had not been implemented.
10. The Council is concerned that the development would have a greater impact on the openness of the Green Belt. Openness is the absence of development and has both spatial and visual elements. Even if all buildings were to be removed via an appropriately worded condition, the evidence shows that the overall volume of development would increase by almost 10% above that of existing buildings. However, whether materially larger or not, the construction of a two storey property on the site would result in built development where there is presently none. Despite the consolidation of built form across the site onto a smaller footprint, the height and bulk of the property would be substantially greater than any existing building.
11. The appellant asserts that additional storage buildings would be likely to be applied for and granted. However, there is no evidence of any planning permission for such buildings. In any case, any application would need to be assessed on its merits based on the existing use of the site. Furthermore, even if certain permitted development rights were removed and the appeal site were left open, without close boarded fencing, the overall scale and intensity of a residential use with its associated comings and goings and domestic

paraphernalia would extend over a far greater area than existing development found at the appeal site. This would inevitably lead to a loss of openness.

12. The site is partly screened from the nearby road, though existing buildings are visible. There are open, rolling and expansive fields that adjoin the site against a backdrop of trees. From a nearby public bridleway I was able to clearly observe these features from various vantage points where there were breaks in the vegetation.
13. For the above reasons, the development would lead to a substantial encroachment of development into a rural landscape which would result in a significantly greater impact on the openness of the Green Belt. Therefore, the development would conflict with Policy RE2 of the LPP1, Policy DM14 of the LPP2 and the Framework.

Character and appearance

14. The appeal site is part of a locally designated Area of Great Landscape Value and is within the Surrey Hills Area of Outstanding Natural Beauty (AONB) where the Framework attaches great weight to conserving and enhancing landscape beauty. Policies TD1 and RE3 of the LPP1 seek, amongst other things, to protect and enhance the AONB and require developments to be of a high quality and inclusive design that responds to the distinctive local character of the area in which it is located.
15. The appeal site is within a part of the AONB characterised by its sunken lanes and the open and tranquil rolling landscape of expansive fields. There are however large properties in the wider area, though these are some distance from the site and do not form part of its immediate prevailing character. The property would be located on ground close to and above the sunken lane, using an existing but modestly widened access. Beyond the site, land rises steeply away into fields that are bound in part by a public bridleway. From these public vantage points, intermittent views of the appeal site can be appreciated.
16. Although large, the proposed property would be smaller than other houses in the area and at a lower part of the site. The appellant submits that the trellising of 3 elevations with roses and clematis and evergreens such as passion flower and solanum would naturally soften the lines and give a country cottage feel. The above features would result in a modest reduction in its overall prominence in the landscape. Furthermore, the property would include hipped and tiled roofing and brick walls that would be reflective of the local vernacular. Additionally, it is conceivable that the combination of existing and possible future planting could provide some screening of it when viewed from the sunken lane. The widened access would blend into the landscape over time.
17. However, the existing low level stables and barn adjoining the undeveloped area where the property would be, are currently visible from various public vantage points despite their typical rural appearance. Therefore, regardless of the choice of roofing design and materials, the scheme would see the introduction of a large new building into part of the site that is also clear from development. Additionally, despite being of a high quality and set against boundary screening, the property would be particularly tall when compared with nearby existing buildings and its overall overtly residential appearance and massing would appear imposing and incongruous within the distinctive AONB

landscape setting. This would draw the eye from the surrounding public vantage points, even at a distance. In that context, whilst the appellant submits that the chosen location of the property has been informed by site constraints, noting the removal of a tree, I have dealt with the appeal on its merits.

18. For these reasons the proposal would cause harm to the character and appearance of the area, including the AONB. As such, it would be in conflict with policies TD1 and RE3 of the LPP1 and Policy DM1 of the LPP2.

Other Matters

19. The appellant makes comparisons between the appeal property and a number of planning permissions for replacement or trade in properties in the wider area. However, I am not aware of their site specific circumstances. Furthermore, the appeal proposal is for a new dwelling which is therefore materially different. In any event, I have assessed the proposal on its merits based on my observations and the evidence before me.
20. There is a grade II listed building on the opposite side of a lane to the appeal site. Consequently, there is a statutory duty to pay special regard to the desirability of preserving the building or its setting. The house was much restored in the 20th century. The building's significance is derived from its 17th century origins and exposed timber frame construction. There are large separation distances and intervening vegetation between the appeal site and the listed building. As such, the development would not harm the setting or significance of the listed building.
21. If I had been minded to allow the appeal, the effect of the development on trees and access arrangements could be dealt with using appropriately worded conditions.

The Green Belt Balance and Conclusion

22. The appeal proposal would be inappropriate development in the Green Belt resulting in a significantly greater impact on its openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
23. Given the substantial weight to be given to Green Belt harm combined with the other identified harm and that no specific benefits of the proposed scheme have been drawn to my attention, the harm is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
24. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would conflict with the development plan and the Framework. There are no considerations individually or cumulatively that outweigh this conflict. Therefore, the appeal is dismissed.

J Hills

INSPECTOR