



Appeal Decision

Site visit made on 6 November 2023

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/Y3615/D/23/3321419

High Ryde, Old Lane, Mays Green, Cobham, Surrey KT11 1NJ

- 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 M Reid against the decision of Guildford Borough Council.
 - The application Ref 22/P/01537, dated 2 September 2022, was refused by notice dated 24 February 2023.
 - The development proposed is for a retrospective application to incorporate as-built amendments to lawful development certificate 16/P/01670, approved on 04/10/2016 and planning permission 16/P/02587, approved on 14/02/2017; proposed two storey side extension, extension to approved two storey rear extension and loft conversion to habitable accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity I have used the description of development given on the Council's decision notice.
3. The additions to the appeal dwelling have been mostly constructed and the appeal application is therefore for retrospective permission.
4. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issue

5. The main issue in this appeal is:
 - whether the proposal would represent inappropriate development in the Metropolitan Green Belt (the Green Belt), having regard to the Framework and relevant development plan policies.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal site is located in the Green Belt to one side of Old Lane behind established hedging. 'High Ryde' is a brick and tile dwelling that is set on a generous plot. The surrounding built form is established, loose-knit development that is surrounded by pastures and fields and scattered woodland.

7. The Framework sets out in Paragraphs 147-151 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist. All development is inappropriate unless an exception can be demonstrated under Paragraph 149 of the Framework.
8. In this case the appellant contends that Paragraph 149 (d) of the Framework applies, in respect of the 'existing' building, which says that exceptions include: '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'.
9. The appellant contends that the extensions were necessary as the original building was 'blocky' in appearance and that similar extensions could be built under permitted development rights. Nonetheless, the main parties agree that the addition of the extensions result in a development with a floor space that is approximately 90% larger than the original building. However, the appellant does not consider the extensions to be disproportionate to the original dwelling.
10. Nonetheless, consideration of whether a development is 'disproportionate' as described in Paragraph 149 of the Framework is not restricted solely to floorspace. There are other considerations which depend on the circumstances of the case.
11. As such, the additions to the dwelling, in combination with previous extensions¹, have substantially increased the scale and massing of the building compared to the original dwelling. Indeed, the porch extension and the two-storey side and rear extensions add considerable height and bulk to the dwelling. Furthermore, there are second storey windows and a convoluted, protruding roof space, all of which in my view are disproportionate in comparison to the relative simplicity of the original building. Thus, having regard to the volume and floor area percentage increases, I conclude that the scheme has disproportionate additions over and above the size of the original building. Accordingly, the extensions are inappropriate development in the Green Belt.

Other Considerations

12. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework requires that substantial weight is given to any harm to the Green Belt. Moreover, 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 development, is clearly outweighed by other considerations.
13. Even though the application was retrospective, the Council concede that the design of the dwelling is acceptable. I also noticed that the materials used in the construction appear to be of high quality. Moreover, the appellant suggests that there is little to be gained through refusal. I afford these considerations some moderate weight.
14. The development would and has provided some economic benefits related to the construction of the dwelling. As these benefits are short term and most of the dwelling has been constructed, I can only attribute this little weight.

¹ 16/P/002587 and 16/P01670

15. I note that the appellant forwards that permitted development could be erected, and hence there is the potential for a cumulative increase in the original floor area. However, it is far from certain that such extensions would be undertaken at the property, and moreover, the proposal before me is for full planning permission. Therefore, little weight can be given to this argument.
16. The appellant has brought to my attention a number of schemes in support of his case². However, these schemes are either of some vintage, located in another area altogether or related to a very different form of development, and are therefore of limited relevance and of neutral weight in the planning balance.
17. The development can only be glimpsed from the road or nearby properties and the appellant is prepared to accept conditions related to landscaping and height. However, as these are ordinary planning considerations rather than very special circumstances, they have neutral weight in the planning balance.
18. Consequently, I conclude that, even in combination, the considerations do not outweigh the substantial harm to the Green Belt I have found above.

Green Belt balance

19. The Government attaches great importance to Green Belts. I have found that the development is inappropriate development. Moreover, the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate that very special circumstances exist.
20. It follows then that, the development conflicts with Policy P2 of the Guildford Borough Local Plan Strategy and Sites (2019), which says that the Green Belt will continue to be protected against inappropriate development in accordance with the Framework when read as a whole.

Conclusions

21. Having considered all matters raised in support of the development 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. Accordingly, the development is in conflict with the adopted development plan when considered as a whole and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies when considered as a whole, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR

² APP/Y3615/A/08/2088194, 08/P/01584 APP/R0660/W/21/3281048 APP/E2734/D/21/3267287 APP/C3620/D/12/2169662 MO/2011/1515/PLAH and APP/C3620/D/12/2169663