



Appeal Decision

Site visit made on 25 July 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal A Ref: APP/Y3615/D/23/3318946

Cheyne's Cottage, Brook Lane, Albury, Surrey GU5 9DH

- 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 Clare Dyer against the decision of Guildford Borough Council.
 - The application Ref 22/P/00941, dated 24 May 2022, was refused by notice dated 21 February 2023.
 - The development proposed is 2 x single storey side extensions, part single/part two storey rear extension, changes to rear fenestration and landscaping works following demolition of side and rear extensions.
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Appeal B Ref: APP/Y3615/D/23/3316200

Cheyne's Cottage, Brook Lane, Albury, Surrey GU5 9DH

- 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 Clare Dyer against the decision of Guildford Borough Council.
 - The application Ref 22/P/00554, dated 25 March 2022, was refused by notice dated 24 November 2023.
 - The development proposed is the erection of car port.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

4. The main issues in relation to both Appeal A and Appeal B are:
 - Whether the proposed developments would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - The effect of the proposals on the openness of the Green Belt;
 - if the developments would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be
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clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify them.

Reasons for the Recommendation

5. The appeal property comprises of a detached two-storey dwelling situated on the northern side of Brook Lane within a narrow rectangular plot in the Green Belt. It is well set back from the road and features a half-hipped roof and an existing part single storey, part two storey rear projection.
6. Paragraph 137 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 149 and 150, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

Appeal A - Whether the development would be inappropriate development

7. Paragraph 149(c) of the Framework sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building. In this context, original building means the dwelling as originally built or as the building existed on 1 July 1948 (whichever is the later).
8. The Framework does not define what would be classed as a disproportionate addition, but the overall size of the building (either in terms of footprint, floorspace or volume) are clearly important factors.
9. The officer report states that the proposed extensions would result in an increase in floorspace of 56.7% over and above the original building and this is not disputed by the appellant.
10. As noted at my site visit, some works had taken place on site to implement a recent planning permission granted by the Council¹. From the evidence before me, the current proposal would only add a small additional amount of floorspace over and above that permission. Nevertheless, there would be a further increase over and above what has already been given planning permission. It would also result in a further increase in the volume of the resultant building.
11. In my view, the totality of the increase in built form and floorspace, when compared to the original building, would be significant. In coming to that view, I acknowledge that the proposal would also result in the removal of an existing dormer window and that the roof of the permitted single storey extension would have a lower profile in the current proposal. However, neither of these factors affect the amount of floorspace and only have a very limited positive effect on the overall size of the proposal when compared to the extant permission.
12. Taking all of the above into account, the cumulative increase in the size of the building would be disproportionate when compared to the original dwelling. As such, the proposal would not accord with the exemption outlined at paragraph

¹ Reference 20/P/00406

149(c). Consequently, the proposal would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 149 or 150 of the Framework. It would also be contrary to Policy P2 of the Guildford Borough Local Plan² which has similar aims to the Framework in this respect.

Appeal B - Whether the development would be inappropriate development

13. The appeal proposal would be sited to the front of the appeal property where there is an existing parking area close to the road.
14. Exception (g) of paragraph 149 of the Framework allows for the limited infilling or the partial or complete redevelopment of previously developed land. Whilst both parties agree that the site constitutes previously developed land, the Council have assessed the proposed garage exclusively as a limited infill rather than as a partial redevelopment of previously developed land.
15. Notwithstanding that, a key criterion of exception (g) is that the development would not have a greater impact on the openness of the Green Belt than the existing development. Therefore, in order to determine whether it would be inappropriate development or not it is necessary to consider whether the proposal would have a greater impact on openness than the existing development.

Openness

16. One of the five purposes of a Green Belt, outlined at paragraph 138 of the Framework, is that it should assist in safeguarding the countryside from encroachment. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has a spatial aspect as well as a visual aspect.
17. In respect of Appeal A, the additional bulk and volume as a result of the increase in footprint, floorspace and volume of development at first floor level would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the increase in built form and bulk means the proposal would also have a greater visual impact on openness.
18. Given the above, the Appeal A proposal would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework, and Policy P2 of the Guildford Borough Local Plan (2019) which has similar aims to the Framework in this respect.
19. Turning to Appeal B, the erection of a new structure in the front garden would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the increase in building coverage on the site both in terms of footprint and cubic content means the proposal would also have a greater visual impact on the openness of the Green Belt. The proposed roofscape of the two-bay carport would feature prominently in the streetscene and would also be visible from the open countryside to the south owing to its siting on a hillside, albeit in the context of the existing dwelling and other residential properties in the area.

² Guildford Borough Local Plan: Strategy and Sites 2015-2034 adopted by Council on 25 April 2019

20. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt resulting in limited harm to the Green Belt.
21. Given my conclusions above, the Appeal B proposal would therefore be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined in paragraph 149 of the Framework. Furthermore, it would also lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework, and Policy P2 of the Guildford Borough Local Plan.

Other considerations

22. The appellant has not explicitly put forward any case for very special circumstances in respect of the Appeal A proposal. Whilst the proposal would no doubt provide an improved level of accommodation for the appellant, this is only a very minor benefit.
23. In respect of Appeal B, the appellant opines that the carport would constitute a very modest addition that would allow for the discreet and secure covered storage of vehicles. They also consider that the proposed building would align with the pattern of development and draw attention to neighbouring outbuildings and garages and consider that the effects of climate change should be considered as it is increasingly necessary for cars to be in the shade during the summer months to avoid overheating.
24. In my view, the scale of the double carport is excessive in the Green Belt setting and would feature prominently. Whilst I acknowledge neighbouring properties feature front outbuildings and garages, I have no details regarding when these were erected and under what circumstances they were permitted. In any case, each proposal should be assessed on its own merits and therefore I can only attach very limited weight to these considerations.
25. Furthermore, the appellant states that the erection of a carport to the rear of the property under permitted development rights would constitute a reasonable fallback position and that this option would be a worse outcome for the openness of the Green Belt than the appeal proposal. However, I have no details of this, or what its impact might be. Taking this into account, this can only be given very limited weight in my decision.
26. Finally, the need for shade for the vehicles because of the effects of climate change is a very minor consideration which I can also only attach very limited weight to.

Green Belt balance

27. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. 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 proposal, is clearly outweighed by other considerations.
28. In both appeals, I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to the openness of the Green Belt.

29. On balance, the very limited weight attributed to the other considerations in both cases does not clearly outweigh the substantial harm I have identified.
30. Therefore, in considering the substantial weight given to the Green Belt, I am of the view that the very special circumstances necessary to justify either of the proposals do not exist. As such, the proposals would conflict with the Framework, and Policy P2 of the Guildford Borough Local Plan.

Recommendation

31. For the reasons given above and having had regard to all other matters raised, I recommend that Appeal A and Appeal B should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

32. I have considered all the submitted evidence, and my representative's recommendation, and on that basis both Appeal A and Appeal B are dismissed.

Chris Forrett

INSPECTOR