



Appeal Decision

Site visit made on 3 January 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2024

Appeal Ref: APP/D3640/W/23/3323938

Allendale, Rounce Lane, West End, Woking, Surrey GU24 9NP

- 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 Clarke against the decision of Surrey Heath Borough Council.
 - The application Ref 23/0004/FFU, dated 5 January 2023, was refused by notice dated 2 March 2023.
 - The development proposed is a new detached dwelling following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Given the similarities with the previous Framework with regards to Green Belt issues, I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.

Main Issues

3. The appeal site is located within the Metropolitan Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

4. Paragraph 154 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in this paragraph. Part d) of this paragraph

lists the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces.

5. The Council measure the original dwelling as 75sqm, and the new dwelling at 193.7sqm, an increase of 155.6%. This is not disputed by the appellant. 'Materially larger' is not defined in the Framework. However, due to this significant increase, and the increase in height, depth and massing of the replacement dwelling, its scale would be significantly larger than the size of the existing property.
6. I conclude therefore that the proposed replacement dwelling in this case would result in a building that would be materially larger than that one it replaces. As a result, it would represent inappropriate development in the Green Belt in conflict with paragraph 154 of the Framework as set out above.

Openness

7. The Framework states that the essential characteristics of Green Belts are their openness and permanence. Openness has both spatial and visual aspects. I have found above that the proposed building would be materially larger than the existing building.
8. Given the location of the property, this would be evident and visible from both Rounce Lane and Birch Platt, in addition to views from the neighbouring properties. The increased scale, massing and bulk of the proposed dwelling would result in a loss of spatial and visual openness. The proposal would be more visually prominent than the existing development and would conflict with the fundamental aim of keeping land permanently open.

Other Considerations

9. The existing property benefits from approvals for extensions, consisting of a certificate of lawfulness¹, prior approval² and planning permission³.
10. The existing property is dilapidated, overgrown and clearly not in use. However, there is no compelling evidence before me to suggest that the property is not capable of being brought back into use and extended as permitted.
11. Nevertheless, the certificate of lawfulness and prior approval allows for the addition of ground floor accommodation. Additional first floor accommodation is restricted to the two storey side extension allowed by the planning permission. Limited details are before me in relation to this approved extension, which limits my ability to compare, however, it is likely that this extension would not provide the additional 2 bedrooms (4 bedrooms in total) that the replacement dwelling would provide.
12. The proposed additions, whilst providing a comparable increase in floorspace to the replacement dwelling, would not therefore provide a layout that delivers a comparable level of accommodation.
13. Moreover, in terms of the visual impact on openness, whilst the footprint of the development may be similar, the ground floor extensions and two storey side

¹ Application reference 22/0445/CES

² Application reference 22/0420/GPE

³ Application reference 22/0987/FFU

extension would not be comparable with the visual prominence of the additional massing, scale and bulk of the replacement dwelling at first floor level.

14. Consequently, even if I found that there was a real prospect of the fall-back being implemented, it would not be more harmful to the openness of the Green Belt than the proposal. For these reasons, I have given the fall-back position only limited weight in favour of the proposal.

Other Matters

15. Given the limited quantum of development, the condition of the existing property and the benefit of the various energy efficient measures that would be incorporated into the construction, along with other environmental considerations, are a modest benefit. Similarly, any benefit which might arise from the replacement of the existing property with more cohesively designed dwelling, recycling of 'derelict land' and use of conditions to restrict future development, carries moderate weight in favour of the proposal.
16. Whilst the site is surrounded by existing residential development and represents a previously developed site, its location within the Green Belt results in the above considerations of openness being relevant and necessary. Finally, even if I were to accept that the addition of hardstanding was acceptable and noise from a heat pump could be addressed by condition, these are neutral matters not in favour of the proposal.

Conclusion

17. Paragraph 152 of the Framework says inappropriate development is harmful by definition and paragraph 153 identifies that substantial weight should be given to any harm to the Green Belt.
18. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of the loss of openness. These matters carry substantial weight. Moderate weight can be given to the considerations cited in support of the proposal. Consequently, the considerations advanced by the appellant do not clearly outweigh the harm to the Green Belt that I have identified. Accordingly, very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal therefore conflicts with the Framework.
19. For the reasons given above I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR