



Appeal Decision

Site visit made on 13 March 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14.03.2024

Appeal Ref: APP/R3650/D/23/3333730

Furze Hill Farm, Star Hill, Churt, Farnham, Surrey GU10 2HS

- 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 & Mrs Aksinavicius against the decision of Waverley Borough Council.
 - The application Ref WA/2023/00701, dated 13 March 2023, was refused by notice dated 12 October 2023.
 - The development proposed is erection of detached outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of detached outbuilding at Furze Hill Farm, Star Hill, Churt, Farnham, Surrey GU10 2HS, in accordance with the terms of the application Ref WA/2023/00701, dated 13 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be constructed in accordance with the schedule of materials noted on the application form and within the Design and Access Statement.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1684/S-01; 1684/P-G-01 and MW.2211.FHF.TPP
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development as defined within Part 1 of Schedule 2, Class E of that Order, shall be carried out on the site.

Preliminary Matters

2. During the appeal, on 19 and 20 December 2023, the Government published its revised National Planning Policy Framework (the Framework). The revisions do not have a material bearing on the matters at dispute between the parties in this case. Consequently, I have not found it necessary, in the interests of natural justice, to seek further written comments, and neither party would be prejudiced by my consideration of the revised advice in my determination of the appeal.

3. In November 2023, the National Landscapes Association reported that all designated Areas of Outstanding Natural Beauty (AONBs) had become National Landscapes. However, the Framework continues to refer to them as AONBs. In this decision I have used the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.
4. The appellant has submitted a signed statutory declaration (Appendix D of the appellant's appeal statement) confirming that a fallback scheme will be implemented if this appeal should be dismissed. Whilst the Council has not commented on the statutory declaration, it has not been determinative in my decision and consequently the Council has not been prejudiced.

Main Issues

5. The main issues are:

- whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2023) ("the Framework") and any relevant development plan policies;
- if the proposal is inappropriate development, its effect on the openness of the Green Belt;
- if the proposal would be inappropriate development, whether or not the 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 necessary to justify the proposal.

Reasons

Whether or not inappropriate development in the Green Belt

6. The site is located within the Green Belt. The Government attaches great importance to Green Belts and paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances.
7. Paragraph 154 of the Framework states that new development is inappropriate in the Green Belt unless it falls within a list of exceptions. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (LP1) and Policy DM14 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (2023) (LP2) broadly conform to the general thrust of national Green Belt policy, setting out that inappropriate development will not be permitted except in very special circumstances. The supporting text to Policy DM14 also confirms that new domestic garages and other ancillary outbuildings requiring express planning permission are generally inappropriate in the Green Belt.
8. The Council has referred to *Dawe*¹, which held that that an outbuilding could be considered as a normal domestic adjunct of the host property and hence an extension to it, even though it is a detached structure.
9. The proposal would not meet any of the exceptions set out in the relevant policies mentioned above. Therefore, it would be inappropriate development in

¹ *Sevenoaks DC v SSE & Dawe* (QBD 13.11.97 CO1322-97)

the Green Belt and would conflict with Paragraph 154 of the Framework, Policy RE2 of the LP1 and Policy DM14 of the LP2 which collectively seek to resist inappropriate development in the Green Belt.

Openness

10. Paragraph 142 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
11. The openness of the Green Belt has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
12. The site comprises a detached residential dwelling within a large plot. It is accessed from a long driveway off an unmade track and is set back a significant distance from the road. The dwelling is fairly well screened by the established trees and hedgerow which run along the site's boundaries.
13. The proposal would be reasonably discreet in its position, has been designed with sensitivity to the host dwelling, and would consolidate built form together within the site. Nonetheless, it would result in built volume and massing where this does not presently exist.
14. Within the context of the site, I consider the effects on both the spatial and visual openness of the Green Belt would be limited. Whilst limited, it would nevertheless erode the openness of the Green Belt, which, as noted, is one of its essential characteristics.
15. Therefore, I conclude that the proposal would not preserve, and would have a harmful effect on, the openness of the Green Belt. As such, it would conflict with the provisions within the Framework which seek to preserve the openness of the Green Belt.

Other considerations

16. 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.
17. The appellant has drawn my attention to a fallback position, emphasising that an outbuilding could be erected as permitted development under the terms of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO).
18. Specifically, the appeal property benefits from a Certificate of Lawful Development (WA/2022/01990) issued in October 2022 for the erection of a detached outbuilding for the garaging of vehicles within the criteria of Schedule 2, Part 1, Class E of the GPDO ("fallback scheme"). Whilst the fallback outbuilding has not been constructed, it remains available as a fallback position and is a material consideration in the assessment of the proposal. Furthermore,

I accept that there is a real possibility that it could be implemented should planning permission for the appeal scheme be refused.

19. The fallback scheme has a floor area which is 18.75 square metres larger than the appeal proposal. It would also be located further from the host dwelling, which would result in a greater spread of built form across the site within the Green Belt. I acknowledge that the appeal proposal would have an impact on the spatial and visual aspects of openness of the Green Belt, as stated above. However, as a result of its smaller size and its location closer to the host dwelling, in my view, the appeal proposal would have a reduced spatial and visual impact on Green Belt openness when compared to the fallback scheme. Therefore, the fallback position would be more harmful to the openness of the Green Belt.
20. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In the particular circumstance and context of this site, the Green Belt aims are better served by the outbuilding subject to the appeal than by the fallback. Consequently, in the interest of the Green Belt aims, I ascribe substantial weight to the fallback.

Other Matters

21. Since the appeal site is within an AONB, great weight should be given to conserving and enhancing landscape and scenic beauty, as set out in paragraph 182 of the Framework. The Council is satisfied that the proposal would conserve and enhance the AONB, taking account of the site's location and screening by vegetation. Having considered the development and visited the site, I concur with that view and find that the development would conserve and enhance the natural beauty of the AONB.

Conditions

22. I have considered the Council's suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance (PPG). I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty.
23. I have also imposed a condition requiring the external surfaces of the development to be constructed in accordance with the schedule of materials noted on the application form in order to protect the character and appearance of the surrounding area.
24. I have included the condition suggested by the appellant to prevent further outbuildings in order to protect the openness of the Green Belt.

Green Belt Balance and Conclusion

25. The proposal would result in inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. In addition, openness is an essential characteristic of the Green Belt, so a reduction in openness would also be harmful, even if to a limited extent. I am also required to give substantial weight to any harm to the Green Belt.
26. However, I give considerable weight to the fallback position which may be implemented. This would have a more harmful effect on openness than the

appeal scheme. As such, in this case I find that this other consideration is of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and effect on openness. As a result, very special circumstances exist to justify the inappropriate development in the Green Belt.

27. Although there would be conflict with the development plan, the balance of planning considerations in this case leads me to the view that the appeal should succeed. For the reasons above, I conclude that the appeal should be allowed, and planning permission should be granted, subject to the conditions I have set out above.

B Pattison

INSPECTOR