



Appeal Decision

Site visit made on 13 February 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 APRIL 2024

Appeal Ref: APP/K3605/W/23/3327121

Squires Garden Centre, Woodstock Lane North, Long Ditton, Surbiton, Surrey KT6 5HN

- 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 D J Squire and Co Limited against the decision of Elmbridge Borough Council.
 - The application Ref 2022/3543, dated 14 November 2022, was refused by notice dated 22 February 2023.
 - The development proposed is the erection of single storey extension to rear of main building, demolition of 54 sqm of existing structures and removal of hardstanding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework. Where necessary I have used the paragraph numbering from the revised version.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies including the effect on the openness of the Green Belt; and
 - whether 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 required to justify the proposal.

Reasons

Inappropriate development

4. The Government attaches great importance to Green Belts. 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. In Green Belt areas, whether a development is inappropriate, depends not only on its size and effect on openness but also

on its use, a point made by the appellant in relation to *Europa Oil and Gas Limited v SSCLG* [2013] EWHC 2643 (Admin). However, the Framework, paragraphs 154 and 155, recognises this in setting out specific exceptions, including, for example for agriculture and mineral extraction.

5. In this case, the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. One such exception at paragraph 154c) is 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. Another exception, under paragraph 154g) is the partial or complete re-development of previously developed land, whether redundant or in continuous use, which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy DM18 of the Elmbridge Local Plan Development Management Plan 2015 (DMP) echoes the Framework, adding that support will be given to proposals that do not have a materially greater impact on the openness of the Green Belt, in particular where certain criteria are met, including that they do not result in an increase beyond 25% in footprint.
7. The Framework does not define 'disproportionate,' but Policy DM18 contains specific limits. The assessment is a matter of planning judgement, but it must account for previous extensions. To do otherwise would allow incremental increases in size that combined would be disproportionate and would therefore conflict with the purposes of the policy.
8. The original building is defined in Annex 2 of the Framework as a building as it existed on 1 July 1948 or, if constructed after, as it was built originally. The supporting text to Policy DM18 is consistent with the Framework and it says that the original building will be determined based on its size as existing on 1 July 1948 or as first built if later than this date.
9. The original building, which was permitted in 2002, has been previously extended. The floorspace measurements, presented in the Officer Report, indicate that the floor area of the original building was around 1,050m², which would have generally equated to its footprint. The footprint of the existing extensions is stated to be about 1,780m² in the evidence. The appellant advises that the appeal proposal would result in 203m² of additional floorspace, taking account of the 54m² of buildings described as being removed, which would result in a building with a footprint of approximately 1,983m². This would represent an increase in the footprint of the original building of around 89%, which would significantly exceed the 25% limit of Policy DM18.
10. Reference is made to a recent high court decision *Guildford BC v SSLUHC & Mr C Weeks* [2023] EWHC 575 (Admin) which relates to the definition of 'original building' in the Local Plan Policy of Guildford Borough Council. The parties have disputed what would have been the footprint of the original building in light of this decision, with the appellant indicating 1,225m² and the Council 167m², based on an earlier permission from 1987, which differs from the position they took in their original Officer Report. Even if I were to take the baseline as 1,225m² for the original building, as put forward by the appellant, it remains that the proposal, which has to be considered in combination with the existing extensions, would result in an increase over the original that would be beyond the 25% footprint limit set in Policy DM18 of the LP.

11. The appellant's comments in relation to Policy DM18 are noted. However, this policy clearly refers to buildings and makes no differentiation between residential dwellings and local businesses. Whereas I accept that businesses have to adapt to changes in legislation and other requirements, I am not persuaded that extending existing buildings is the sole means to achieve this. As such, I see no reason to afford minimal weight to the 25% increase threshold as suggested by the appellant. Furthermore, the approach that other Councils follow in relation to Green Belt is of little significance for this appeal; the matter of whether the extension is disproportionate remains one of planning judgement.
12. The appellant has referred to the Proposed Submission Draft Local Plan, but I have not been directed to any specific policy within this plan, although I note the suggestion that it is the absence of a policy that the appellant thinks is relevant. There is limited evidence before me in relation to the current stage of the emerging local plan nor detail of its policy approach to Green Belts. I therefore attach limited weight to this plan in my decision.
13. In light of my findings, it is my judgement that the proposal before me would represent disproportionate additions to the original building and would not benefit from the exception set out in the Framework in this regard.
14. Turning to the other exception in relation to previously developed land. Openness can be perceived spatially and visually. The appeal site is located within the garden centre. However, the limited view from public vantage points does not in itself mean that there would be no impact on the openness of the Green Belt because of the proposal.
15. The space where the extension would be located is laid to hardstanding and is used for the storage of materials, siting of several sheds and as an outdoor seating area. A wall would be removed to accommodate the proposal. As such, the proposal would be sited on previously developed land.
16. Nevertheless, even when taking these structures into account, the scale and volume of the proposal is such that it would substantially increase the amount of built form in this location, and inevitably impact on the spatial and visual dimensions of the site. Therefore, it would have a greater effect on openness than the existing development. Overall, I consider there would be moderate harm to openness, and this impact would be greater than the existing development. The proposal would not benefit from an exception under paragraph 154g) and would therefore represent inappropriate development in the Green Belt. As set out in the Framework, I give substantial weight to this harm.
17. My attention is drawn to a planning application for a larger extension at this site that was previously refused by the Council. Whereas it may be that the previous scheme had a greater volume, for the reasons set out above, I find that the proposal before me would fail to preserve openness of the Green Belt.

Other considerations

18. The other considerations put forward by the appellant relate to the need to improve the customer and staff facilities, as well as improving some commercial aspects of the business. The Officer Report sets out the floor areas for each facility that would be provided within the extension and these figures

are not disputed by the appellant. On this basis, I have used the figures provided by the Council in my assessment.

19. The number of staff is projected by the appellant to increase and so, they argue, more space would be required to accommodate the staff room, toilets, shower and kitchen space. However, the proposal would fall short of the floorspace needed to accommodate the required staff facilities. I have not been provided with compelling evidence to justify this under provision. As such, this limits the weight I can give to this matter.
20. Due to the growth in popularity of the catering offer at the garden centre, the current kitchen facility is reported to be congested at busy times of the day. The proposal would deliver the space required to accommodate a larger kitchen and servery, to meet the required needs of the garden centre. I afford this matter significant weight.
21. The current floorspace per seat in the coffee shop appears to be below what may be expected in a garden centre catering facility. The proposal would improve the seating area in the coffee shop, by providing the appropriate space to accommodate the seating area in accordance with the requirements. I afford this significant weight.
22. Larger toilet facilities may be required to accommodate the visitors. However, the proposed extension would not provide the full amount of floorspace required for this facility and I have not been provided with compelling evidence to justify the under supply. This therefore limits the weight I can give to this matter.
23. As the existing office space is congested and lacks natural light, an improved space would be required. However, the proposed extension would fail to deliver the required floor space for this facility, and I have not been provided with compelling evidence to justify the under supply. This therefore limits the weight I can give to this matter.
24. There is a need for a training/meeting room, however this would not be provided within the extension. In the absence of compelling evidence to demonstrate why this room has not been included within the proposal, I am unable to afford this matter any weight.
25. There is a need to replace the current gas fired boiler supplying hot water to the underfloor heating system, to the kitchen and toilets. The evidence sets out the additional floorspace required to deliver the installation of a renewable energy facility, however the proposal would not include the floorspace needed for the new plant room. I have not been provided with compelling evidence to justify the smaller room, so this limits the weight I can afford to this matter.
26. The garden centre requires additional dry goods storage facilities because of changes to how it operates. A room of the required size would be accommodated within the extension, so I afford this significant weight.
27. I note that it would not be possible to accommodate the facilities required in the existing building without removing retail space, which would be detrimental to the financial position of the garden centre. However, the proposal would fall short of delivering the space needed to accommodate the required plant room, staff and customer facilities and little justification has been provided for this undersupply.

28. Although the extension would deliver the floorspace needed to accommodate a larger kitchen, seating area and dry good store as required, on the evidence, I cannot be satisfied that the appellant's needs would be wholly fulfilled by the proposal. In addition, as the proposal would result in a larger retail area, I am not persuaded that this extension would be the only way to achieve the improvements sought by the appellant.
29. I note reference by the appellant to other developments at Garson Farm Garden Centre, also in the Green Belt, where significantly larger increases in footprint have purportedly been permitted by the Council. While plans are provided, I do not have the full particulars of these cases before me and cannot be certain that the specific circumstances are comparable to this proposal. Therefore, such examples can only attract limited weight and do not alter my assessment of this scheme, which I have considered on its specific planning merits.

Other Matters

30. Consideration of the five purposes of including land within the Green Belt is not a part of the assessment of whether a proposed extension would result in a disproportionate addition over and above the size of the original building. Equally, it is not part of the assessment in relation to the redevelopment of previously developed land. As such, there is no need for me to consider whether the proposal would conflict with the purposes of including land within the Green Belt.
31. I note the appellant refers me to two appeal decisions¹. While I have not been provided with the full details of either of these, I note that one refers to use of a different percentage in relation to a disproportionate increase, a matter I have dealt with above, while the other, a reference to the inclusion of temporary storage and displays as considered in terms of openness. I have taken this into account in my assessment of the effect on openness.

Green Belt Balance

32. Due to its size over and above the original building, the proposal would be inappropriate development in the terms set out in the Framework. In addition, it would harm openness, and this harm would be greater than the existing development. Despite being in the same use as the existing garden centre, the proposal would fall short of fulfilling the identified floorspace needs. Thus, on this basis, I cannot be satisfied that its purpose would be fully met. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
33. I have attributed significant weight in favour of the proposal in relation to the improvements it would deliver to commercial aspects of the business, but the weight I am able to afford to the other considerations raised by the appellant is limited. Nonetheless, even collectively, these would not clearly outweigh the substantial harm to the Green Belt. Very special circumstances therefore do not exist.

¹ APP/Q4625/W/21/3285876 and APP/B3030/D/19/3241277

Conclusion

34. Overall, I conclude that the proposal would conflict with the development plan as a whole. There are no material considerations that outweigh this conflict. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR