



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: 19th April 2024

Appeal Ref: APP/R3650/D/23/3334477

The Hollies, North Munstead Lane, Godalming, Surrey GU8 4AX

- 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 Keith Nicholas West against the decision of Waverley Borough Council.
 - The application Ref WA/2022/02645, dated 19 October 2022, was refused by notice dated 16 October 2023.
 - The development proposed is detached side garage and entrance gate following demolition of existing outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for detached side garage and entrance gate following demolition of existing outbuildings at The Hollies, North Munstead Lane, Godalming, Surrey GU8 4AX in accordance with the terms of the application, Ref WA/2022/02645, dated 19 October 2022, and the plans submitted with it, subject to the attached schedule of conditions.

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.

Main Issues

4. 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;
 - the 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

5. 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 special circumstances.
6. 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) (LPP1) and Policy DM14 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (2023) (LPP2) 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.
7. One exception, provided for by Paragraph 154 d) of the Framework is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy DM14 confirms that for development outside of defined settlement boundaries, the replacement of a building which results in the new building having a floorspace that is 10% or more larger than the building it replaced will normally be considered materially larger.
8. The proposed outbuilding would replace two outbuildings. There is disagreement between the main parties as to whether the increase in floor area should be calculated for each of the buildings or whether a combined floor area of both outbuildings could be used. In respect of paragraph 154 d), *Tandridge DC v SSCLG & Syrett [2015] EWHC 2503* sets out that “building” should not be read as excluding more than one building, providing as a matter of planning judgment they can sensibly be considered together in comparison with what is proposed to replace them. Accordingly, it is reasonable to include both outbuildings in the calculation of existing floor area.
9. In any event, the Council confirm that, if the combined area of both outbuildings is considered in the calculations, this would still result in an increase of 43.6%. Whilst the appellant suggests that the actual percentage increase would be slightly lower, it is not disputed that the increase would be considerably in excess of the 10% limit set by Policy DM14.
10. The proposal would not meet any of the exceptions set out in the relevant policies mentioned above. Therefore, it would be inappropriate development in the Green Belt and would conflict with Paragraph 154 of the Framework.

Openness

11. 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.

12. The entrance gates would be visible from the public highway, but would infill a very small space between the outbuilding and the host dwelling. They would have minimal impact on the openness of the Green Belt.
13. The proposal would result in the introduction of an outbuilding which is both taller and has a larger footprint than the existing outbuildings which would be replaced. As a result it would decrease the spatial openness of the Green Belt to a limited extent. It would be slightly more prominent in views of the property from North Munstead Lane. However, due to its location to the side of the host property and between the site boundary, in an area where there are existing outbuildings, the proposal would not add to urban sprawl, and its effect on visual openness would be limited.
14. Overall, the change to Green Belt openness, in relative terms, would be very modest. For these reasons, the proposal would cause limited harm to the visual and spatial openness of the Green Belt.

Whether very special circumstances exist

15. I have found that the appeal proposal represents inappropriate development in the Green Belt, which is harmful by definition. The Framework states that inappropriate development should not be approved except in very special circumstances. It states that substantial weight is 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, is clearly outweighed by other considerations.

- Heritage assets

16. The appeal property is Grade II Listed and is located within the Munstead Conservation Area (MCA). As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). These require the decisionmaker to have special regard to the desirability of preserving the character or appearance of the conservation area and the Listed Building or its setting or any features of special architectural or historic interest which it possesses.
17. The appeal property is located within a small grouping of cottages which were built by Sir Edwin Lutyens as staff cottages for Gertrude Jekyll, who was a famous gardener, artist, writer and craftswomen. The heritage significance of the MCA derives from its connection with Gertrude Jekyll.
18. The List description confirms that the Grade II listed appeal property dates from the nineteenth century. It is two storey and is described as being of snecked Bargate stone beneath upper floors of tile hanging. The tiled roofs, typically of Lutyens, are steeply pitched and architecturally complex. The significance of the listed building is derived mostly from its architectural quality, and its historical significance from its setting within the small group of properties built by Lutyens for Jekyll.
19. The main parties agree that the existing outbuildings which would be demolished have no heritage interest and currently contribute negatively to the setting of the listed building. In contrast, the proposed outbuilding, which would be subservient to the host building, and faced with horizontal timber cladding, with a pitched tiled roof reflective of the Surrey vernacular would be

acceptable in heritage terms. The parties also agree that the proposed gates would be acceptable in design and heritage terms. Given the nature of the proposal, I consider that it would preserve the setting of the listed building and the MCA.

20. Overall, the removal of outbuildings which contribute negatively to the setting of the listed building, and replacement with an appropriately designed outbuilding would result in enhancements to both the setting of the listed building and the character or appearance of the MCA. Given the importance that the Framework places on conserving and enhancing the historic environment, I give this consideration significant weight.

- *Other issues*

21. The submitted evidence indicates that the appellant has removed outbuildings, cattle sheds, garden sheds, 4 large greenhouses and estimated 50 tonnes of concrete and rubble from the site. However, the clearance of those other structures could, and indeed has, happened without the construction of the proposal. I therefore give this matter limited weight.
22. The supporting text to policy DM14 is clear that new domestic garages and other ancillary outbuildings requiring express planning permission are generally inappropriate in the Green Belt, unless they fall within one of the categories of development that is not inappropriate set out in the Framework.
23. However, the supporting text also confirms that to justify new outbuildings that do not meet these exceptions the Council must be satisfied that very special circumstances exist. In determining this, regard will be had to the essential needs of householders for garaging, storage and facilities incidental to the enjoyment of their dwelling. Any enlarged outbuildings must also be designed to be clearly subordinate to their host dwelling and not appear intrusive in the landscape.
24. I note that an outbuilding at the neighbouring property, The Firs (Council Ref: WA/2018/1170) was previously approved by the Council. Whilst it was confirmed to be significantly larger than the outbuilding which it replaced, the Council confirmed that as the proposals were of a size and scale that would be considered acceptable with regard to its siting and proposed use, and of acceptable design, very special circumstances existed.
25. The appellant has also drawn to my attention recent planning permissions at The Butlers House (Council Ref: WA/2022/02698) and The Great Barn (Council Ref: WA/2023/0077). Both planning permissions were granted following the adoption of the LPP2 and Policy DM14. In both instances the Council confirmed that the proposed outbuildings would be inappropriate development, but that the proposals would meet the essential needs of householders for facilities incidental to the enjoyment of their dwellings. Officers concluded that the harm to Green Belt caused would be outweighed by very special circumstances which exist to justify the development.
26. In this instance, the appeal outbuilding would represent the only incidental outbuilding at the site to serve the property. It would provide secure garaging including an entrance gate for the dwelling whilst also providing flexible additional space within the building to allow for the secure storage of domestic items, that would be reasonably found within site. The size of the outbuilding

appears to be reasonably necessary for the essential needs of the householder having regard to the size of the dwelling and its plot. Furthermore, the proposal would be clearly subordinate to the host dwelling and would not be intrusive in the landscape. Given the explanatory text to Policy DM14 I therefore attach weight to these factors.

27. In that context, I find the harm to the Green Belt by reason of inappropriateness, as arising from the appeal proposal, would be clearly outweighed by the other considerations identified above.
28. Accordingly, the very special circumstances necessary to justify the development in the Green Belt have been demonstrated and therefore a conflict with Policy RE2 of the LPP1 and Policy DM14 of the LPP2 would not occur. Further, given the existence of very special circumstances, it follows that the application of the Framework's Green Belt policies does not provide a clear reason for refusing planning permission.

Other Matter

29. The site is within the Surrey Hills Area AONB and Area of Great Landscape Value. 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 its form, mass, scale and design, as well as use of materials. 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

30. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
31. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
32. A condition requiring details and samples of the external materials is necessary in the interests of the character and appearance of the area. To prevent harm to protected species, I have included a condition requiring that all recommendations are undertaken as outlined in the submitted ecological report.

Green Belt Balance and Conclusion

33. I have found that the proposal would be inappropriate development and would cause harm to openness, albeit limited. Nevertheless, the Framework establishes that substantial weight should be given to any harm to the Green Belt.
34. However, I have found that the other considerations carry significant weight. Taken together, these other considerations outweigh the totality of the harm, and amount to very special circumstances. Therefore, the development's harm by reason of its inappropriateness is outweighed by other considerations, so as

to amount to the very special circumstances necessary to justify the development within the Green Belt.

35. The proposal accords with Policy RE2 of the LPP1 and Policy DM14 of the LPP2 and the Green Belt provisions of the Framework and 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 below.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:500), Block Plan (1:500, drawing no.2 V2.0), Proposed Garage Floor Plan (1:50, drawing no.TH 2.2), Proposed Garage East Elevation, Existing Shed & Garage Elevations (1:50, drawing no.TH 2.3), Proposed Garage West, South & North Elevations (1:50, drawing no.TH2.4), Proposed Garage North Elevation (1:50, drawing no.TH 3.2), Proposed Garage South Elevation (1:50, drawing no TH 3.5).
- 3) The development shall not progress above ground level until details, including samples of the external facing materials, have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved samples and details.
- 4) Throughout the entire construction period (including site clearance), the development shall be undertaken in accordance with the recommendations contained within the ecological report (Bat Survey Report prepared by Verdant Ecology dated September 2022), submitted with the application.

END OF SCHEDULE