



Appeal Decision

Site visit made on 26 March 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH May 2024

Appeal Ref: APP/R3650/D/23/3331380

Pine Brow, 5 Clumps Road, Lower Bourne, Farnham, Surrey GU10 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Francois and Elizabeth Cathelain against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01077.
 - The development proposed is described as 'alterations and extensions following the demolition of the existing single storey extension.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Preliminary Matters

3. During the application process the description of development changed from that stated on the application form. Since the main parties do not seem to have agreed it, I have used the original description which, in any case, is sufficient for the purposes of identifying the works to which the appeal relate.
4. Areas of Outstanding Natural Beauty (AONB) have been renamed as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. I have accordingly referred to the Surrey Hills AONB as the Surrey Hills National Landscape (SHNL).

Main Issues

5. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; its effect on b) the openness of the Green Belt; and c) protected species; and d) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate Development

6. The National Planning Policy Framework 2023 (the Framework) sets out a general presumption against inappropriate development in the Green Belt. The construction of new buildings should be regarded as inappropriate, but for certain defined exceptions. Some of these are set out by Paragraph 154. Specifically, and in regard to the appeal scheme, 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 might not be inappropriate development. This language is mirrored in Policy DM14 of the Local Plan Part 2 2023 (LP2) which assesses disproportionate, in all cases, by considering changes in scale, mass, height, and floorspace. Policy RE2 of the Local Plan Part 1 2018 (LP1) defaults to the national policy position on determining what is not inappropriate development in the Green Belt.
7. The term 'original building' is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. DM14 sets out, amongst other things, that extensions or alterations to dwellings in the Green Belt and outside of defined settlement boundaries will be considered disproportionate if the increase in the floorspace, over that of the original, is 40% or more.
8. There is no disagreement between the main parties that the proposal would add approximately 118.2 square metres of floorspace to the 117.8 original house, roughly doubling it. This takes account of the amount of existing previous extension that would be removed. The totality of the increase over the original would be comfortably above the 40% threshold and therefore the scheme would conflict with DM14. The Framework considers 'additions' and not solely floorspace. The proposed development would add substantially more volume to elevations and the roof. This would make the building noticeably larger such that, when also taking into account what has gone before, the appeal scheme would be extensions which would represent disproportionate additions over and above the size of the original.
9. The appeal scheme would therefore be inappropriate development in the Green Belt which would be harmful thereto by definition. This would conflict with the Green Belt protection aims of Policy RE2 of LP1 and the Framework as well as DM14 of LP2 as I have already explained.

Openness

10. Openness is an essential characteristic of the Green Belt. A fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open. There are two aspects to openness: spatial and visual. The former being taken to mean the absence of built form. Whilst the situation of the house relative to surrounding wooded areas would reduce the effect of the scheme on the visual aspect the proposal would nonetheless involve physical works where there is currently none. This would unavoidably reduce the spatial aspect of the Green Belt's openness and thus be harmful thereto. This would be as well as the inappropriateness of the proposals and lead to further conflict with the Green Belt provisions of the Framework.

Protected Species

11. The Preliminary Ecological Assessment identified that bats may be present. Emergence surveys confirmed the potential for adverse effects and some recommendations have been made for mitigation. It therefore seems eminently possible for this matter to be dealt with through the use of conditions. In these circumstances the proposal would be compliant with Policy NE1 of LP1 and DM1 of LP2 which seek, amongst other things, to ensure that any biodiversity impacts of development are appropriately mitigated and/or avoided.

Other Considerations

12. The site is located within the SHNL and an Area of Great Landscape Value. The Council does not allege any harm in these regards and I have no compelling reason to disagree. This is however a lack of harm and therefore does not weigh in favour of the proposal.
13. An extant Lawful Development Certificate, reference WA/2022/03182, has established that a proposed single storey extension would fall within the criteria of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The floorspace that this would add, taking into account that which would be replaced as part of the works to remove a previous extension, would amount to the same sum total as that specified by the appeal scheme. This is advanced as a fallback position. Be this as it may, and as Policy DM14 explains, disproportionality can also be by virtue of changes in scale, mass and height. In these regards, the appeal scheme is materially different to that of the fallback position which, consequently, is afforded less than substantial weight.

Conclusion and Recommendation

14. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be further harm to the Green Belt in terms of a reduction in its openness. I have explored the other considerations raised but given the weight they would attract, set against the substantial weight that should be ascribed to any harm to the Green Belt, makes it evident that they would not be capable of clearly outweighing said harms. The very special circumstances needed to justify the proposals do not therefore exist. This and the conflict with the development plan that would arise from the proposed development, in the absence of any sufficiently weighty material considerations to indicate to the contrary, leads me to recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR