



Appeal Decision

Site visit made on 30 April 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/Y3615/D/23/3331475

Shepherds Hill, Broadfield Road, Peaslake, Surrey, GU5 9TB

- 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 Wood against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01023.
 - The development proposed is described as a planning application for swimming pool, ancillary garden/pump room and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed and rebranded as National Landscapes to reflect *"their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do"*. However, the legal designation and policy status of these areas are unchanged, so I have proceeded on this basis.
3. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023 and accompanied by a written ministerial statement (WMS). I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would be material to this appeal. 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. Any references to the Framework hereafter in this decision are to the latest version.

Main Issues

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and its effect on openness;
 - The effect on character and appearance, having regard to the Surrey Hills AONB and Area of Great Landscape Value (AGLV); and

- Whether any 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

Whether inappropriate development

5. Policy P2 of the Guildford Borough Local Plan Strategy and Sites 2015-2034 (GSS) adopted April 2019 is consistent with the Framework in providing that inappropriate development will not be permitted unless very special circumstances can be justified or where they would meet the specific exceptions as contained in the Framework.
6. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. In this particular case the most relevant exception is set out at paragraph 154, criterion c) 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. Neither GSS nor the Framework provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
7. The baseline in each case is the 'original building'. This is defined in GSS Policy P2 as the building as it existed on 1 July 1948 or, if no building existed on 1 July 1948, then the first building as it was originally built after this date. In this case, the Council highlight the original building consisted of a floorspace of 343m². Planning permissions¹ have subsequently been granted for the demolition of the original building with a replacement dwelling which has been completed and is in situ. Both parties acknowledge that the current property has a floorspace of 511m² with the proposal increasing this to 539.6m², which represents increases of 49% and 57.3% to the original building respectively.
8. The garden pump house is located close to the existing dwelling, sunk into the slope and has been designed with a flat green roof, so as to have as minimal impact as possible. Taken in isolation, the proposal would create a modest increase in footprint across the existing property. However, given that the existing dwelling is extensively larger than that of the original property, even a modest increase in floorspace would be disproportionate in my view.
9. The appellant put it to me that in considering the size of the replacement dwelling, the size of the basement (approximately 98m²) should be excluded from the floorspace calculations. However, S336 of the Town and Country Planning Act 1990 states that a building includes "any part of a building" and therefore I can see no reason why the basement should be discounted from my consideration as it forms part of the building as constructed.
10. Furthermore, whilst the garden pump room has been located close to the existing house and set into the ground slope, in assessing the size of the proposal against the size of the original building I have to have regard to the overall size increase in terms of both volume and floorspace, therefore the volume of both the above and below ground elements of the proposal are relevant to my consideration.

¹ Guildford Borough Council Planning Refs: 13/P/01767 and 16/P/01356

11. The site is set well back from the road, located in a secluded position and is screened from the surrounding area within a well-established verdant setting. Furthermore, the proposal would provide alterations and extensions that are considered to blend in well with the existing property and would provide a sympathetic design. Nevertheless, when taken as a whole the scheme would further increase the mass, floorspace and volume of the existing property, to a level that would in my opinion be considered disproportionate to the original building. Accordingly, the exception set out in paragraph 154 c) of the Framework would not apply.
12. In not complying with the listed exception, the scheme would be inappropriate development in the Green Belt, which paragraph 152 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

13. Openness can have both spatial and visual aspects and the proposal would introduce new development in an area currently devoid of such. Thus, the proposal would provide a larger quantum of built development than currently exists on site. Whilst it is acknowledged that it is a modest increase, it would nevertheless have an adverse impact on the openness of the Green Belt in spatial terms.
14. With regard to the visual aspect, the proposed garden pump room would be seen within the context of the existing buildings and would be screened from the road by landscaping. However, it would result in the introduction of a structure where currently no building exists and in combination with the proposed swimming pool and paving would result in an increase in built form within the site. Furthermore, it results in a degree of visual intrusion into what is otherwise a relatively undeveloped area. Therefore, it would result in moderate harm to the openness of the Green Belt in visual terms.
15. Overall, I find there would be harm to both the spatial and visual dimensions of the openness of the Green Belt, which whilst modest, is harmful, nevertheless. Therefore, the proposal fails to preserve the openness of the Green Belt.

Character and appearance

16. The appeal site is located within the Surrey Hills AONB and AGLV. Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs.
17. The appeal site would be located amongst the existing sporadic development, which consists of mainly detached dwellings interspersed on irregular shaped plots. The design, scale and location of the proposal close to the existing property would reflect that of the other properties in the vicinity and given its rear location would occupy a secluded position. Given that the proposal is viewed in this context, there would be no harm to the visual qualities and essential characteristics of the Surrey Hills AONB and AGLV in terms of its landscape and scenic beauty, notwithstanding my findings in terms of openness in the Green Belt.
18. I note the Council raise a concern with the proposal being outside the residential curtilage of the property, however a change of use from agricultural

to residential use is not before me. Even if the area was previously used for agricultural purposes, given the proposals location in close proximity to the residential house, this is unlikely to have any significant impact on the local character and appearance.

19. Overall, any adverse effects of the development would be seen within the context of the existing residential unit that the proposal would form part. As such, the proposal would at the very least conserve the landscape character and valued landscape in accordance with GSS Policy P1 and Section 15 of the Framework which seek to protect and enhance valued landscapes. The proposal would also accord with GSS Policy D1; Policies H4 and D4 of the Guildford Borough Local Plan Development Management Policies (DMP), adopted in March 2023 and paragraph 135 of the Framework, which collectively seek new development to be visually attractive and requires development to be sympathetic to local character, amongst other things.

Other considerations

20. It is acknowledged that permitted development rights have been restricted at the site in respect to development contained in Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)². However, the appellant refers to a potential fallback position with respect to permitted development rights for ancillary structures outside this Part of the GPDO. Nevertheless, I have not been provided with any details such as a formal certificate of lawfulness for these works. Consequently, in regard to an alternative scheme I cannot be sure that there would be a greater than theoretical possibility that these are a realistic or probable alternative. I therefore give limited weight to this as a fallback option.
21. My attention has been drawn to another decision³ with respect to basement developments in the Green Belt. Whilst I am not aware of the full circumstances associated with this case, it is evident from the limited details presented that it turned on its own particular merits. Furthermore, the basement in question, appears to have been constructed entirely under the footprint of the existing house, containing no light-wells or other external manifestations, unlike here. I therefore give this example limited weight, as I cannot be certain that it is directly comparable. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, applications should be determined in the light of the specific circumstances and context of each case.

Conclusion

22. The proposal is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The harm to the openness of the Green Belt in this case is at odds with local and national policy to protect the Green Belt. Any harm to the Green Belt is a matter that carries substantial weight. There is no other harm in this case.
23. 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. The other considerations outlined above are

² Restrictive condition attached to planning permission 16/P/01356 removing permitted development rights for Schedule 2, Part 1 Classes A, B, C, D, E of the GPDO

³ PINS Ref: APP/N5090/D/17/3174495

individually and cumulatively of insufficient weight therefore to clearly outweigh the harm to the Green Belt. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist, and the proposal conflicts with GGS Policy P2 and paragraph 153 of the Framework.

24. The proposal would therefore conflict with the development plan when taken as a whole and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR