



Appeal Decision

Site visit made on 9 April 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 17.05.2024

Appeal Ref: APP/K3605/D/23/3327361

3 Southwood Manor Farm, Farm Cottage, Burhill Road, Hersham, Walton-on Thames, Surrey KT12 4BJ.

- 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 Stephen Buss against the decision of Elmbridge Borough Council.
 - The application Ref 2022/3807, dated 20 December 2022, was refused by notice dated 13 June 2023.
 - The development proposed is for the erection of a detached outbuilding.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issues in this case to be:
 - a) whether the proposal constitutes inappropriate development in the Green Belt;
 - b) its effect on the openness of the Green Belt;
 - c) the effect of the proposed development on the character and appearance of the appeal site and the surrounding area; and,
 - d) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether the proposal constitutes inappropriate development in the Green Belt

3. The appeal property is a grade II listed residential building. It is attached to two other cottages numbers 1 and 2. Number 3 is located in one corner of a large irregular shaped parcel of land, identified by the Council in its evidence as garden.
4. The building the subject of this appeal would be located some 45.0 metres or so from the cottage. There is an existing building on the site that was refused retrospective planning permission by the Council under its reference

2021/1709. Following partial demolition, the insertion of additional doors and windows along with internal changes it is proposed that the building would provide ancillary accommodation related to the occupation of the main house. It would provide along with storage rooms, a home cinema, games room, home gym and home office.

5. Policy DM18 (d) of the Elmbridge Borough Council-Development Management Plan (Adopted April 2015) (DMP) states that the extension or replacement of an ancillary building located more than 5 metres from the main building will be considered under either criterion (a) or (b) of DMP Policy DM18, as appropriate and as a building its own right. Proposal to erect new ancillary buildings sited more than 5 metres from the main building, which would not replace existing buildings, will be assessed against the relevant policies relating to new free-standing buildings within the Green Belt.
6. The appellant states in his evidence that this application is for the erection of a detached building and not the retention of the existing building as suggested by the Council, which in any case, would be so significantly altered as to have only limited visual continuity with the current structure on the site. Accordingly, by reference to paragraph 2.81 of the explanatory notes to DMP Policy 18 and given the separation distance between the host property and the proposed building of some 45 metres the proposal would fall to be considered against DMP Policies DM17 and DM18 and the National Planning Policy Framework (the Framework) relating to new buildings in the Green Belt.
7. The Framework indicates that, with some exceptions, the construction of new buildings is inappropriate in the Green Belt. The construction of detached buildings ancillary to a dwelling is not one of the exceptions identified and accordingly I conclude that the appeal proposal would be inappropriate development within the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect on the openness of the Green Belt

8. Openness has both spatial and visual aspects. In this case the appeal site has a sense of both spaciousness and openness that contributes to the semi-rural setting of the development. The site of the proposed building is generally free from development and the introduction of a substantial building here would have a greater impact on openness, both in spatial and visual terms, resulting in a clear intrusion into this part of the countryside. This would harm the openness of this part of the Green Belt and would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.
9. My attention has been drawn to a previous outbuilding, now demolished within the curtilage of the appeal site. It is suggested that if the floor area of that building were taken into account, then the total increase of built form proposed would be reduced. However, that building was located adjacent to Burhill Road and unlike the proposed building close to a large enclave of farm and other buildings. Accordingly, I do not consider, notwithstanding the size of that building its earlier removal would reduce the impact of the proposed structure here on the openness of the Green Belt.

Character and appearance

10. The proposed building, which would provide ancillary accommodation for the main house, would be a simple rectangular building under a shallow pitched roof. Four windows are proposed in both the long side elevations along with a door in the side elevation 1 and a second door in the rear elevation. Due to the scale of the proposal, its shallow pitched roof, limited modulation and poor repetitive fenestration pattern the building would appear as bland and utilitarian, unrelated to the design of the host property.
11. Accordingly, I conclude in respect of the third main issue that the development would, by reason of its design result in a dominant and incongruous form of development that would cause harm to the character with the appearance of the existing site and surrounding area. As such, it would contravene the objectives of Policies CS5 and CS17 of the Elmbridge Borough Council-Core Strategy (Adopted July 2011), Policy DM2 of the DMP and the Framework. As they relate to the quality of development and the need for new development to respond positive features of individual locations.

Other Considerations

12. I appreciate that the building would be set back from the road and open to limited views from public vantage points. However, my concern here is whether the proposal would unacceptably affect the Green Belt which ought to be protected in the public interest. Accordingly, I give little weight to this consideration.
13. I note that the Council have found that the proposal would not cause harm to the setting of the listed building, impact on the living conditions of residential occupiers, contravene flood risk policy and the archaeological heritage could be protected by condition. However, the absence of harm is a neutral factor in my considerations and, as such, I have given these matters very little weight in my decision.
14. The proposal is inappropriate development, which by definition is harmful to the Green Belt, and the Framework requires substantial weight to be attached to that harm. I have also found harm to the openness of the Green Belt and the character and appearance of the existing site and area. For the appeal to succeed the combined weight of the other considerations must clearly outweigh the totality of the harm arising. Having taken account of the other considerations and found that they do not clearly outweigh the totality of the harm that would be caused, I consider that the very special circumstances necessary to justify the development do not exist. Accordingly, the proposed development would be contrary to Policies DM17 and DM18 of the DMP and the Framework.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR