



Appeal Decision

Site visit made on 1 August 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Appeal Ref: APP/Y3615/D/23/3328657

Rozelle, Green Dene, East Horsley, Surrey KT24 5RE

- 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 Dean Butler against the decision of Guildford Borough Council.
 - The application Ref is 23/P/00583.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken directly from the original planning application form.
3. In November 2023, Areas of Outstanding Natural Beauty (AONBs) were renamed 'National Landscapes', and the Surrey Hills AONB within which the appeal site is located became known as the Surrey Hills National Landscape. The legal and policy status of AONBs is unchanged, but I have therefore referred to the 'National Landscapes' and the 'Surrey Hills National Landscape' in my decision.
4. Since the submission of the appeal an updated version of the National Planning Policy Framework (the Framework) has been issued. However, in respect of the matters of interest in this appeal, there have been no fundamental changes to national policy.

Main Issues

5. 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;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area, having regard to its location within the Surrey Hill's National Landscape; and
 - Whether the harm by reason of inappropriateness 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

6. The appeal site lies within the Metropolitan Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (adopted 2019) (the LPSS) also follows the approach of the Framework.
7. Paragraph 154 d) of the Framework is of most relevance to the appeal scheme. It provides an exception for the replacement of a building provided that it is in the same use and is not materially larger than the one it replaces. The existing shed to be replaced is of a modest scale with a footprint of approximately 15sqm, whereas the footprint of the proposed garage would be more than double in size. The proposal is also taller in height and has a significantly greater volume than the existing shed. As such, the development would result in a materially larger building.
8. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy P2 of the LPSS, and the associated aims of the Framework.

Openness

9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal proposal would have an increased volume, height and mass compared to the existing building and therefore would result in a harmful loss of openness. Whilst this would be limited given the overall scale of the proposal, the Framework establishes that any harm to the Green Belt should be given substantial weight.

Character and Appearance

10. The site lies within the Surrey Hill's National Landscape (SHNL), as well as a designated area of great landscape value (AGLV). Although concerns have not been specifically expressed by the Council in relation to the impact of the proposal on the SHNL, I have a statutory duty under the Countryside and Rights of Way Act 2000 (as amended) to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.
11. Reflecting its position within the SHNL, the area surrounding the appeal site has a highly verdant and rural character, with undulating terrain and country roads lined by mature vegetation and substantial areas of woodland as well as pockets of fields. Still, the roads near to the appeal site are also frequently lined by large dwellings, which vary in appearance but are primarily served by generous plots.
12. The appeal property is a relatively modern and sizeable-detached dwelling. It fronts onto Crocknorth Road but is situated on a large corner plot with Green Dene. The majority of the dwelling's garden space sits to the side of the

- dwelling. Mature vegetation largely lines the boundaries of the property, albeit the dwelling is served by a broad and open frontage onto a wide driveway.
13. The proposed development would be located to the side but forward of the main dwellinghouse. Despite the overall scale of the proposed garage, the appeal property would still be served by a sizeable garden, such that I do not consider a disproportionate level of garden space would be lost.
 14. Due to the surrounding topography and presence of mature vegetation and existing built form, views of the development proposal would be limited. It would though remain a prominent feature within the streetscene along a short extent of Crocknorth Road, near the site's frontage. However, such views are likely to be highly transient in nature.
 15. Although the proposed garage would sit forward of the dwelling's building line, it would remain closely related to the host building whilst being subservient in scale and utilising appropriate materials. Furthermore, it was apparent on my site visit that several properties in the nearby area are already served by detached garages that sit forward of the main dwelling and are visible from the streetscene. I therefore do not find that the proposed siting of the garage would appear as an unusual feature or out of context with the surrounding area.
 16. In forming my decision, I have had regard to the Council's Residential Extensions and Alterations Supplementary Planning Document (adopted 2018) (the SPD). I note that the proposal does not strictly accord with all relevant design principles, particularly those that seek to avoid garages being sited to the front of dwellinghouses. Nevertheless, the SPD is guidance and specifically sets out that it defines what is considered to be appropriate in the 'majority of cases', but that all schemes are to be assessed on their individual merit. In this instance, due to the existing characteristics of the property and its wider context, I find the proposed development to be appropriate in terms of its character and appearance.
 17. Overall, I do not consider the appeal scheme to cause harm to the character or appearance of the area. Accordingly, it would also conserve the natural beauty of the Surrey Hill's National Landscape. The appeal scheme therefore complies with Policy D1 of the LPSS and Policy D4 of the Guildford Borough Council Local Plan Development Management Policies (adopted 2023) (the LPDMP). Together these policies, amongst other matters, seek to ensure that new developments are of a high-quality design that reflects local distinctiveness, including through consideration of existing layout and forms of development. Although the proposed development would not follow certain guidelines set out in the SPD, in respect of this main issue, it would not be harmful due to its specific context.
 18. The proposal also does not conflict with the Framework in respect of it promoting high quality design which takes account of local character and that conserves and enhances the landscape and scenic beauty of National Landscapes.

Other Considerations

19. The proposed development would provide a benefit to the appellant through the provision of a secure parking facility. However, these are limited personal benefits which do not amount to very special circumstances.

20. A lack of harm to the character and appearance of the area is to be expected of new development, as is compliance with other development plan policies and matters. As such, this does not weigh in favour of the appeal scheme.
21. A lack of objections from neighbours and third parties is also not appropriate justification to allow unacceptable development.
22. I recognise that several neighbouring properties contain detached garage buildings of various sizes. However, I do not have any details of the circumstances of those developments including whether they benefit from planning permission or any relevant planning histories.

Other Matters

23. I note the appellant's frustrations with the way the Council dealt with the original planning application, especially in regard to its pre-application advice service. Nonetheless, the appeal has been determined on its own merits.

Green Belt Balance

24. The proposal is inappropriate development in the Green Belt that would result in a small loss of openness. The inappropriateness and the harm to openness carry substantial weight. The Framework establishes that development should therefore not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
25. Overall, I find that together the matters that the appellant has put forward do not amount to very special circumstances that are needed to justify inappropriate development in the Green Belt.

Conclusion

26. For the reasons outlined above, the proposal conflicts with the development plan when taken as a whole and other material considerations, including the provisions of the Framework, do not indicate that the appeal should be determined otherwise. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR