



Appeal Decision

Site visit made on 15 August 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 SEPTEMBER 2024

Appeal Ref: APP/R3650/W/23/3336033

Site of Lake House, Peaslake Road, Ewhurst, Cranleigh, Surrey GU6 7NR

- 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 M Reid against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01673.
 - The development proposed is erection of a replacement dwelling, garage/store building together with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of this appeal the "Proposed reforms to the NPPF and other changes to the planning system", the "National Planning Policy Framework: draft text for consultation" and the written ministerial statement entitled "Building the homes we need" have been published. Both main parties have had the opportunity to submit comments on the relevance of these documents to this case. I have taken these comments into consideration.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2023 (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - 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

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special

circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraphs 154 and 155 of the Framework. This is broadly echoed by Policy RE2 of the Local Plan (Part 1) 2018 (LPP1).

5. Of relevance to this appeal, paragraph 154d) provides an exception for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The impact on openness is implicitly taken into account in this exception. Policy DM14 of the Local Plan (Part 2) 2023 (LPP2) generally follows this exception and additionally states that this will be assessed considering changes in scale, mass, height and floorspace. Also, such development which results in the new building having a floorspace that is 10% or more larger than the building it replaced would normally be considered materially larger. Whilst this policy allows for exceptions to the 10% figure, it is nevertheless an important consideration in the assessment.
6. There was a bungalow and garage on this site which were demolished in 2012. These buildings no longer exist and therefore cannot be replaced. Paragraph 154d and Policy DM14 of the LPP2 do not make reference to the original building for development of this type.
7. Planning permission was granted in 2012 for the erection of a dwelling following the demolition of the existing dwelling. This has been implemented but not completed (the extant permission). The structure that currently exists has two floors and some walls but is partially open to the front and rear and does not have a roof. Whilst I am provided with figures regarding the size of the extant permission if it were completed, I am not provided with dimensions of the partially completed existing structure. In any case, the proposed dwelling would be across two floors with a pitched roof above and would be across a wider footprint than has been constructed. The development would also include a double garage with a pitched roof above. The resultant fully enclosed two storey dwelling, and detached garage would be significantly larger in scale and mass than the existing open structure on the site. Therefore, the replacement building would be materially larger than the one it replaces.
8. Consequently, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework and Policy DM14 of the LPP2 and RE2 of the LPP1.

Openness

9. Openness has both spatial and visual dimensions. For the reasons set out above, the proposed development would be materially larger than the existing structure. Furthermore, it would also relocate the building to an area which is free from development and introduces development where there currently is none. As such there would be significant harm to spatial openness. The grounds of Lake House are surrounded by vegetation. However, even in the revised position closer to the lake and lower than the existing building, the house would be likely to be seen in glimpsed views from the road. Therefore, there would also be harm to visual openness.
10. Consequently, for the reasons above, the proposed development is significantly harmful to the openness of the Green Belt. Therefore, it is contrary to the Framework in this regard.

Other Considerations

11. In this case, the planning history of the appeal site is an important consideration. The proposed development and the extant permission would both create a similar type of accommodation with a dwelling and garage on this site. As such if the appeal scheme were not permitted there is a real possibility that this extant permission would be implemented.
12. The dwelling under the extant permission would have a first floor void area. Although this would increase the volume of the building, by its nature it would not create any floorspace. It would also have covered balconies, entrance and terrace areas. A condition was attached to the extant permission which required that these should not be enclosed. As set out above, the dwelling is visible in glimpsed public views so the works described above could generally be seen. This condition would not be unenforceable. The supporting text to Policy DM14 of LPP2 states that floorspace shall include porches and conservatories but shall exclude all non-habitable accommodation and detached outbuildings. These open balconies and entrances would not create similar accommodation to porches and conservatories. As such these do not contribute to the floorspace of the extant permission in this case.
13. This follows the approach taken by the Council in assessing the floorspace for the extant permission. It found the extant permission to result in a dwelling with 287sqm of floorspace. This was found not to be inappropriate as a replacement dwelling in the Green Belt. The impact on openness is implicitly taken into account in this exception and therefore there was no requirement to assess the impact on the openness of the Green Belt. As such the extant permission is not harmful to the Green Belt in these regards.
14. There is also dispute about the floorspace of the proposed dwelling. On the same basis as the above, covered non habitable areas would not contribute to the floorspace figure. The appellant has taken this approach and calculated a floor area of 318sqm. In any case, the proposed dwelling would be set across a wider footprint and would be notably taller. Taken together this would result in a marked enlargement to the scale and massing of the building and a clear increase in size from the extant scheme. As such, the appeal scheme would be considerably more harmful to the openness of the Green Belt.
15. In the fallback scheme the garage would be a single storey flat roofed building with 63sqm of floorspace. This is proposed to increase to 73sqm, and in addition a pitched roof is proposed which would noticeably increase the height of the building. There would therefore be a marked increase in floorspace, and clearly larger scale, height and bulk of this outbuilding. Therefore, the proposed garage would also be considerably larger than the garage in the extant permission.
16. The proposed development would be materially larger than the extant permission and would be considerably more harmful to spatial openness in this regard. It would be similarly visible in glimpsed views and therefore this increase in scale would be seen. Therefore, it would also be more harmful to visual openness. The appeal scheme would consequently be considerably more harmful to the Green Belt than the extant permission.
17. The Appeal Site is within the Surrey Hills National Landscape, formerly the Area of Outstanding Natural Beauty (AONB) which is of national importance due to

its natural beauty. I am mindful of the statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape. I give great weight to conserving and enhancing the landscape and scenic beauty in this area, and this has the highest status of protection in relation to these issues.

18. The proposed building would be located closer to the lakeside than the existing building and set lower in the landscape. It would be in a traditional design. The Surrey Hills AONB Planning Advisor describes the proposed development as being of the highest order and fitting to its setting, with exemplary building design and has no AONB concerns.
19. The proposed building would be in a design which is appropriate to this location. However, it would be larger than both the existing building and extant permission and therefore, even though it would be set lower, it would have a greater impact on the landscape in terms of its scale. Taking all these factors into account the proposed development would not enhance the National Landscape, albeit any positive effect is very minor. Nevertheless, I give that great weight.
20. The ornamental ponds and boathouse are a non-designated heritage asset. Their significant features appear to be their historic association with the landscaped pleasure grounds of Woolpit House by renowned Victorian Landscape gardener Edward Kemp for Sir Henry Doulton, potter and inventor of sanitaryware. As well as Sir Doulton's underground pottery drains and filter beds which may still exist on the site. These features of significance therefore result in a minor degree of heritage significance meriting consideration in planning decisions. The design of the appeal scheme would complement the appearance of the Boathouse, and even though it is closer to the lakeside, its design in two blocks would preserve the appreciation of the significance of the non-designated heritage asset. Any effect on the underground features could be mitigated via condition. Consequently, there would not be any harm to this non-designated heritage asset, and the lack of harm in this regard is a neutral factor.
21. I have taken into account the proposed development would have a very minor positive effect on the National Landscape compared to the extant permission. However, the proposed development would have a considerably more harmful effect on openness than the extant permission. Overall, I conclude that the appeal scheme would be more harmful than the extant permission and I attribute limited weight to the fallback position.

Green Belt Balance

22. The Government attaches great importance to Green Belts. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness which is also contrary to Policy DM14 of the LPP2 and Policy RE2 of the LPP1. There is also significant harm to the Green Belt due to the proposed development's effect on openness.
23. The proposed development would result in a very minor positive effect on the National Landscape. Whilst there is a realistic fallback scheme, this does not justify the development proposed for the reasons set out above and the fallback scheme attracts limited weight. Consequently, the considerations

advanced by the appellant, even when considered together, do not clearly outweigh the totality of the harm. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development conflicts with the Framework and Policy DM14 of the LPP2 and Policy RE2 of the LPP1, the aims of which are set out above.

Other Matters

24. I have noted the appellant's concerns regarding the Council's handling of the pre application advice, and it is unfortunate that the pre application advice that was provided varied from the formal planning decision. Nevertheless, that does not alter my assessment of the planning merits of the proposal.

Conclusion

25. The proposal conflicts with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR