

Appeal Decision

Site visit made on 4 September 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/R3650/D/24/3337403

Mannings Hill, Mannings Hill, Cranleigh, GU6 8QN

- 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 Thomson against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01014.
 - The development proposed is the construction of a pool house following the demolition of five domestic outbuildings.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a pool house following the demolition of five domestic outbuildings at Mannings Hill, Mannings Hill, Cranleigh GU6 8QN in accordance with the terms of the application, Ref WA/2023/01014, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description of development as contained in the application form for the purposes of the heading above and paragraph 1 of my Decision.
3. 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*". and I have therefore replaced references to AONBs to National Landscapes.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.

5. Whilst there are alterations proposed to the Green Belt chapter, the specific sections that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework as published in December 2023, and any reference to paragraph numbers are to this version.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and its effect on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the surrounding area including the Surrey Hills National Landscape 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

7. Policy RE2 of the Waverley Borough Local Plan Part 1 (WLP): Strategic Policies and Sites, adopted February 2018 states that the Metropolitan Green Belt will be protected against inappropriate development unless development meets with the exceptions listed in national planning policy, thus is consistent with the approach of the Framework.
8. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes at paragraph 154 that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. The appellant cites criteria b) and g) as the most relevant to this appeal.
9. In respect to criterion b) this provides an exception as the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposal seeks to replace five domestic outbuildings with a single building described as a pool house. The pool house would be located adjoining an existing outdoor swimming pool and would provide changing and other ancillary functions alongside a plant room associated with the existing swimming facility.
10. With regard to the first limb of criterion b) I am content that the proposal is an appropriate facility and given that the existing swimming pool is uncovered, it could be considered as an outdoor sporting or recreational pursuit, and thus it follows that the proposed building is capable of falling

within the exception set out in paragraph 154 b) of the Framework. This would also be consistent with the findings in the decision highlighted by the appellant¹. However, the effect on the openness and purposes of the Green Belt must also be considered.

11. In regard to openness of the Green Belt, it has a spatial aspect as well as a visual aspect. From a visual perspective the position of the pool house would be in an area which already houses two outbuildings, which it would replace. Furthermore, given the position of the proposal is located adjoining the existing swimming pool and close to the existing tennis court, the site is well hidden from most public vantage points given the boundary treatments and existing development which provide a good screen, thus a relatively secluded location. As such, the discrete position, with limited public views from the surrounding areas would provide a negligible effect on the visual aspect of openness of the Green Belt.
12. In regard to the spatial aspect, the proposal seeks the removal of five existing outbuildings. From the details before me, the combined gross external area (GEA) of the five units to be demolished equates to 83m² in terms of footprint, and 217m³ in respect to volume. The proposal would provide the same GEA figures in both volumetric and footprint terms, albeit the mass is consolidated in one position, rather than dispersed within the curtilage of the dwellinghouse. The removal of the outbuildings could be secured by condition prior to the development taking place, which would ensure that the proposal would have a negligible effect on the spatial aspect of openness.
13. Overall, in these respects, I find that the openness of the Green Belt would be preserved in spatial and visual terms. Furthermore, I do not find that the proposal would conflict with any of the other purposes for including land in the Green Belt. For these reasons, the proposal would not be inappropriate development in the Green Belt. The proposal would comply with the requirements of WLP Policy RE2 and the Framework. In these circumstances, it is not necessary for very special circumstances to be demonstrated to justify the proposal.
14. I note the appellant has also made reference to the exception under criterion g) of paragraph 154 regarding the partial or complete redevelopment of previously developed land (PDL). However, as I have found that the proposed development would not be inappropriate development, as an exception under criterion b) of paragraph 154, I have not considered this matter further.

Character and appearance

15. The appeal site is located within the Surrey Hills National Landscape and AGLV, and 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 National Landscapes. WLP Policy RE3 is consistent with the Framework insofar as it seeks to protect the National Landscape and AGLV from harm to public views from or into their setting.

¹ PINS Ref: APP/Y3615/D/21/3287343

16. The existing site consists of a large, detached dwellinghouse with several outbuildings and associated developments (tennis court, swimming pool etc) within its curtilage. The provision of the pool house would be located amongst this existing development, replacing two existing outbuildings. The design has sought to provide a typical single storey domestic appearance, which would be relatively subservient in appearance within its immediate vicinity, thus respecting the open area.
17. The positioning of the proposal in and amongst the existing built development would minimise any negative effects of the proposal, as it is to be viewed against this more developed backdrop. Given this location and the screening provided by the existing buildings and boundary treatments the proposal would not have a detrimental impact on the visual amenity of the verdant locality within which it would be sited.
18. Overall, the development would be seen within the context of the existing buildings and development that the appeal site forms part. As such, the proposal would at the very least conserve the landscape character and valued landscape and would respond effectively to its surroundings in accordance with WLP Policies RE3 and DM4, the relevant sections of the Waverley Borough Council Residential Extensions – Supplementary Planning Document adopted October 2010 and Section 15 of the Framework which collectively seek to protect and enhance valued landscapes. The proposal would also accord with paragraph 135 of the Framework, which amongst other things, seek new development to be visually attractive and sympathetic to local character.

Other Matters

19. The Council have concerns that the proposal could be occupied as a separate dwelling. I accept that the proposal is separated from the main house, however the proposal is within the same plot under the same land ownership for the specific purpose of ancillary accommodation associated with the use of the existing swimming pool. Whilst land ownership does not necessarily correlate with the use of land, where it relates to a self-contained unit, it would not be unusual for the land owned to be used for incidental or ancillary residential purposes, such as those proposed here.
20. Furthermore, the description of development explicitly identifies that the proposal is for a pool house, and so any future plans to use it as an independent dwelling would require separate consent. Nevertheless a suitable condition could be attached to any permission to ensure that the unit remains as ancillary accommodation. Consequently, I am satisfied that there could be sufficient controls in place, that such a change of use would require a separate application for planning permission.

Conditions

21. The Council has provided a list of suggested conditions that it considers would be appropriate. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance and have amended the wording of some without altering their fundamental aims. I sought the views of the parties on these, including the appellant's agreement to pre-commencement conditions.

22. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is carried out in accordance with the approved plans to provide certainty.
23. A condition relating to external materials to match those of the existing dwellinghouse is necessary to secure the satisfactory appearance of the proposal in the surrounding area and the enhancement of its immediate setting.
24. To ensure that the five existing sheds are demolished in a timely fashion, I have attached a condition to ensure that they are removed prior to the approved development commencing. This is to retain the openness of the Green Belt setting.
25. A condition relating to the development being carried out in accordance with the recommendations of the Bat Survey produced by GS Ecology is necessary to secure adequate protection for bats and other wildlife on and around the site and for the enhancement of biodiversity.

Conclusion

26. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, including the approach in the Framework, I conclude that the appeal should be allowed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 21-1902 010/P1, 21-1902 011/P1, 21-1902 012/P4, 21-1902 026/P4, 21-1902 030 P6 and 21-1902 031/P4.
- 3) The external materials of the pool house hereby permitted shall match those used in the existing main dwelling.
- 4) The pool house hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Mannings Hill, Mannings Hill, Cranleigh GU6 8QN.
- 5) Prior to the commencement of development hereby approved, sheds 1, 2, 3, 4 and 5 shown on the approved drawing nos 21-1902 010/P1, 21-1902 011/P1 and 21-1902 030 P6 shall be removed from the site in perpetuity.
- 6) The development hereby allowed shall be completed at all times in accordance with all recommendations in paragraphs 4.10 - 4.13 of the report titled "Bat Survey of Mannings Hill Ref. ECO285ob - dated 23/11/2021" by GS Ecology submitted with the application.

END OF CONDITIONS