

Planning Committee

28 April 2021

Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact

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1.	<p>Mr James Bronk 1 Old Palace Road, Guildford, GU2 7TU</p> <p>20/P/00970 – The development proposed is demolition of existing garage. Erection of single storey rear extension and side extension plus alterations to the driveway.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The appeal property is a detached two storey house in a relatively large garden within the built-up area of Guildford. Adjacent properties are mainly detached and semi-detached houses.• The extension would be L-shaped and positioned to the rear of the existing house. It would project some 5m from the existing rear wall in part. The side part of the extension would overlap the footprint of the existing garage, extending as far back as the rear wall of the garage.• As the garage is positioned a little way behind the house, this part of the extension would project some 9.5m behind the existing house.• The roof would be a combination of pitched and flat roofed elements with a maximum height of 4 metres, well below that of the roof of the existing house.• The extension would have a large footprint compared to the existing house. However, there would be ample garden space retained.• The side extension would not be more than half the width of the existing house which together with the L-shape of the design and relatively low roof heights, leads me to conclude that the proposed scale, proportion, and mass would not be out of keeping with the existing property as to justify with holding permission.• Parts of the roof would be flat but would predominantly be edged by elements of pitched/hipped roofs. Although this would make the roof more complex it minimises the overall height required and so would not be over dominant in relation to the host dwelling.• No part of the extension would be in front of the rear wall of the existing house. It would therefore not be visually intrusive in views from Old Palace Road. Nor would the extension be prominent in street scene views from Agraria Road or Iveagh Road due to the distances away, intervening buildings, and the relatively narrow gaps between them.• I find the proposal would accord with the preference for side or rear extensions set out in the SPD and would not adversely alter the street	<p>*ALLOWED</p>
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	<p>scene.</p> <ul style="list-style-type: none"> • I conclude the proposed extension would not have a harmful effect on the character and appearance of the host dwelling, the street scene, or the surrounding area. I therefore find no conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019, saved policies G5 and H8 of the Guildford Borough Council Local Plan 2003, or those principles of the National Planning Policy Framework that seek to ensure development has an acceptable effect on the character of the local area. • There would be some conflict with the written SPD in terms of closeness to the boundary. However, the SPD is for guidance and in many other respects the proposal complies with that guidance. • I have found no conflict with the development plan and no material considerations indicate that the decision should be otherwise than in accordance with it. The appeal should succeed. 	
2.	<p>Mr Tom Senior (Winter Park Farming) Land known as Scouts Farm, West of A3, Grove Heath Road, Ripley, Surrey, GU23 6ES</p> <p>20/P/00922 – The development for which a certificate of lawful use or development is sought is the construction of an agricultural concrete hardstanding and an unbound access track.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issue is whether the Council’s decision to refuse to grant a LDC was well-founded. That turns on whether or not the agricultural hardstanding and an unbound access track benefitted from the planning permission granted by Article 3 and Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). • The appeal relates to an access track and hardstanding within a field measuring approximately 3.4 hectares, accessed directly off Grove Heath Road. The appellant explains that the business operations of the site can be split into two main categories: the growing of grass through the year which is then sold as hay; and the farming of honey via the keeping of bees in hives. • The appellant contends that the site already benefitted from an established agricultural use when he purchased it in August 2019. There is no requirement to demonstrate that the land has been used for agriculture for 10 years as suggested because the use of the land for agriculture is excluded from the definition of development under s55(2)(e) of the 1990 Act. • The appellant explains that both sides of the business have been operational on other land in Hertfordshire for a number of years prior to the purchase of the appeal site. This therefore provides a background and context to his intentions for the appeal site in that it points towards it being less likely that the agricultural activities taking place between August and December 2019 were on a ‘one-off’ basis. • I recognise that the keeping of bees to produce honey could potentially amount to hobby farming. However, the five hives with forage area on site and the income generated, in combination with the Hertfordshire site, do not indicate that to be so in this case. Moreover, I find it unlikely that hay farming would be pursued on a hobby basis. 	*ALLOWED

- I am therefore satisfied, on the balance of probabilities, that the land was in use for agriculture for the purposes of a trade or business before the development was carried out, thereby meeting the definition of 'agricultural land'.
- I am also satisfied on the balance of probabilities that the agricultural concrete hardstanding and an unbound access track was reasonably unnecessary for the purposes of agriculture within the unit.
- I find the appellant's evidence to be sufficiently precise and unambiguous to demonstrate that at the time of the application the agricultural hardstanding and unbound access track benefitted from the planning permission granted by Part 6, Class B of the GPDO.
- I therefore conclude on the evidence now available, that the Council's refusal to grant certificate of lawful use or development was not well-founded and that the appeal should succeed.

COSTS

Mr Tom Senior for a full award of costs against Guildford Borough Council. The appeal was against the refusal of the Council to issue a certificate of lawful use or development to establish whether the construction of an agricultural concrete hardstanding and an unbound access track is lawful.

- The key period for ascertaining whether the agricultural hardstanding and an unbound access track benefited from the planning permission granted by Part 6, Class B of the GPDO, is between August 2019 (when the applicant purchased the site) and December 2019 (when the development was carried out). Consequently, the Council did not act unreasonably by not taking into account some of the evidence relating to the applicant's Hertfordshire site prior to August 2019, and the appeal site after December 2019.
- Even if the Council had taken that evidence into account, I do not consider the appeal would have been avoided.
- I note that the Council has since refusing the LDC application, granted planning permission for the erection of an agricultural building and twin wheel access track at the appeal site. However, it has not been specifically shown that by doing so the Council contradicted its position on its decision to refuse the LDC application.
- I accept that the appellant will have been aware of the historic aerial photographs from the Council's Officer Report for the previous LDC application and could therefore have requested them. The applicant contends that the site already benefited from an established agricultural use when he purchased it in August 2019. Some of the aerial photographs have since been provided and it is clear from the applicant's response that they would not have changed the case made.
- Consequently, I'm not persuaded that the unreasonable behaviour of not sharing photographs has caused the applicant to incur unnecessary or wasted expense in the appeal process and I have no further substantive evidence that the Council refused to communicate or work protectively with regard to the LDC application.
- I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

REFUSED