

Planning Committee

3 November 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

Sophie Butcher (sophie.butcher@guildford.gov.uk)

1.	<p>Mr Bryn Young Fair lawns, The Warren, East Horsley, KT24 5RH</p> <p>21/P/00309 –The application sought planning permission for a loft conversion to provide an additional bedroom/en-suite and study space incorporating three pitched roof zinc dormers to rear and one central skylight. It is proposed that the existing pitched roof structure be re-roofed using a warm roof construction & natural slate finish, replacing the existing chunky grey concrete tiles without complying with a condition attached to planning permission Ref 20/P/02029, dated 22 January 2021.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The main issues are whether the proposal constitutes inappropriate development in the Green Belt and its effect on openness; and• whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.• The appeal site is a detached house in the Green Belt. The National Planning Policy Framework¹ explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.• The house is set back from the road and set in a substantial plot of land with generous front and rear gardens. It has previously been extended and the Council calculate that past extensions have increased the floorspace by just over 50% and the recent approval would increase the total floorspace to just over 80% of the original dwelling.• The proposal seeks approval for alternative plans to that previously approved and in particular, the difference would involve increasing the height of the entire roof by 600mm. The approved scheme would include the replacement of the roof and the insertion of dormers.• The Council has noted that this variation would not increase the floorspace above that already approved but it would increase the mass, bulk and volume of the house.• I agree that the volume of the house would be increased by the approved scheme and raising the roof would increase it further. Incremental increases that amounted to a disproportionate increase would clearly	*ALLOWED
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	<p>conflict with the Framework and would conflict with a key objective of Green Belt policy to maintain openness.</p> <ul style="list-style-type: none"> • In effect, the resulting house would differ little in appearance from what has been approved and an extra 600mm added to the height of the roof. The impact of this is lessened by the location of the house, set back from the road and apart from its nearest neighbours. • I do not therefore consider that the proposal, with the additional 600mm above that previously approved would represent a disproportionate addition over and above the original dwelling. I do not consider that it would harm the openness of the Green Belt and I do not therefore consider that the proposal would conflict with the Framework or Local Plan Policy P2. • I conclude that the proposal would not be inappropriate development in the Green Belt and no harm would arise to its openness. The proposal would be consistent with the Framework and Policy P2 and therefore the appeal succeeds. 	
<p>2.</p>	<p>J Eagle 28 Foxglove Gardens, Guildford, Surrey, GU4 7ES</p> <p>21/P/00222 – The development proposed is single storey rear extension and dormer for loft conversion.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the rear dormer on the character and appearance of the area; and • The effect of the single storey rear extension on the living conditions of the occupiers of No 30 Foxglove Gardens. • The appeal site is the end house in a terrace of four with access to a garage court to the west with the garages located to the south. The dormer would run from the existing ridge and across most of the width of the house. • The dormer would be of a scale and design that would be out of keeping with the original design of the house and although it would be to the rear, it would be prominent and visually intrusive at the end of this terrace, which is otherwise free from rear dormers. • On this issue therefore I find that the rear dormer would have a harmful effect on the character and appearance of the area and conflict with policies D1 and H8, the SPD and the Framework as referred to above. This element is therefore unacceptable. • The extension would be a relatively modest one and its design which would splay the end closest to the attached neighbour No 30, would reduce its impact on the occupiers of No 30. The plans indicate that it would not exceed the <i>45 degree guide</i> and I do not consider that it would be of a scale that would be harmful to the occupiers of No 30 due to loss of light. Also, I do not consider that its position, depth or height would be such as to appear unduly intrusive, dominant or overbearing. • I have considered all other matters raised but, on this issue, I find that no conflict with policy G1(3) or the SPD would arise and the living conditions of the occupiers of No 30 would not be harmed. • I have found the single storey extension would not harm the living conditions of the occupiers of No 30 Foxglove Gardens, the proposal would not conflict with the Council’s policy or SPD and therefore is acceptable. However, the dormer would have a harmful effect on the character and 	<p>*SINGLE EXTENSION ALLOWED/ REAR DORMER DISMISSED</p>

	<p>appearance of the area and conflict with the Council policies, SPD and the Framework. I consider that these parts of the proposal are severable, both being physically and functionally independent. I therefore propose to issue a split decision.</p> <ul style="list-style-type: none"> For the reasons given above and having regard to all matters raised, I conclude that the appeal in relation to the single storey extension is allowed but the rear dormer is dismissed. 	
3.	<p>Damian Aziz (Concept Developments Ltd) Land off Field Way, Send, Woking, GU23 6HJ</p> <p>20/P/01216 – The development proposed is ‘Residential development comprising 9 new dwellings’.</p> <p>Planning Committee: 7 October 2020 Decision: Refused Officer Recommendation: To Approve</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> The main issues are Whether the proposal would provide for a satisfactory housing mix; Whether the proposal would provide for satisfactory place making with particular regard to accessibility and connection to the existing street pattern; The effect upon local ecology and biodiversity; Whether there is sufficient local infrastructure to support the proposed development, with particular regard to General Practice (GP) surgery places, school places and broadband; and The effect of the proposal upon the integrity of the TBHSPA. The Council accepts in its appeal statement that the lack of 1 bedroom units on the site is acceptable in this instance but maintains its objection on the basis that the proportion of larger units proposed does not comply with the SHMA or Policy H1. The SHMA makes clear that a prescriptive approach should not be applied and that specific policies relating to the proportion of homes of different sizes which are then applied to specific sites are unnecessary. The locality of the appeal site is generally characterised by two storey detached and semi-detached family sized dwellings. The proposed housing mix is weighted towards family sized dwellings in keeping with the locality, whilst also including two smaller two bedroom dwellings, providing some variation in the size of housing proposed. Whilst five of the nine proposed dwellings would have four bedrooms, there is still a need for such dwellings and the suburban characteristics of the area would be generally suitable for the provision of such dwellings. Whilst weighted towards larger dwelling sizes, the proposed mix of housing would all contribute to the Borough’s housing needs and would be appropriate to the characteristics and location of the site. The proposal would therefore be in accordance with Policy H1(1) of the Local Plan. The proposed access to the site would be taken from the end of Field Way. It is not unusual for new developments to be accessible from a private road and the matter of access rights, as applicable, would need to be negotiated by the developer. There is no indication to suggest that the use of Field Way for access to and from the site would not be possible. In principle, Field Way would provide a satisfactory vehicular access for a development of nine dwellings. Pedestrian access would also be possible to the main 	*ALLOWED

site entrance via the public footpath that leads onto Clandon Road. The Council confirms that it has no objection to the creation of a cul-de-sac. Both access along Field Way and pedestrian access along the footpath would provide for appropriate connections to the existing street pattern.

- In these and all other respects the proposal would amount to good place making and there would be no conflict with the design and place making requirements of Policy D1 of the Local Plan or Policies Send 1 – Design and Send 2 – Housing Development of the SNDP.
- Further survey work (PJC Consultancy) has been carried out by the appellant as part of the planning application. There is no clear indication that the proposed development would result in any significant impacts on existing biodiversity at the site, including for foraging or roosting bats.
- The appellant’s ecological report includes other mitigation and enhancement measures for the development (including new suitable foraging and nesting habitat) and these along with a final Landscape and Ecological Management Plan (‘LEMP’) can also be secured by a planning condition. These measures appear to be capable of ensuring that a net biodiversity gain could be achieved at the site of lasting value, recognising that relatively small features can often achieve important benefits for wildlife. The appellant’s proposals in this respect include new planting, bee bricks, log-piles, bird boxes and bat boxes.
- The proposed development would satisfactorily accord with the biodiversity aims of Policy ID4 of the Local Plan and Policy Send 4 – Green and Blue Infrastructure of the SNDP.
- Although the cumulative impact of smaller developments such as this could put additional pressure on local infrastructure and services, there is no detailed evidence and relevant policy basis for requiring contributions in this instance over than those already proposed in the applicant’s S106 undertaking.
- There is no conflict with Policy ID1 of the Local Plan regarding the availability and provision of infrastructure to support the proposed development.
- I am satisfied that the proposed development, in combination with other projects and plans, would not result in the likelihood of any adverse effects upon the integrity of the TBHSPA. The proposal would therefore satisfactorily accord with the habitats and species protection criteria set out in saved Policies NRM6 of the South East Plan 2009, NE4 of the Guildford Borough Local Plan 2003 and the Habitats Regulations 2017.
- The proposed development would accord with the development plan when considered as a whole and there are no material considerations, either individually or cumulatively, that outweigh this finding. I conclude, therefore, that the appeal should be allowed.
- **COSTS DECISION**
- Damian Aziz (Concept Developments Ltd) for a full award of costs against Guildford Borough Council
- The Council recognises that the SHMA allows for flexibility in determining housing mix. However, the Council does not go onto to make any meaningful assessment against the second part of Policy H1(1) in respect of the site size, characteristics and location, including the provision of any detailed evidence in respect of the appellant’s case that the proposed housing mix takes account of the mix of two-storey detached and semi-detached family dwellings predominantly of three or more bedrooms in the area.

**PART
ALLOWED**

- Had the Council taken into account the context and location of the appeal site as required by policy, it might have come to a different conclusion on this issue. This lack of consideration and supporting evidence to address the second part of Policy H1(1) amounts to unreasonable behaviour by the Council. This has led to unnecessary expense by the appellant in contesting this objection.
- The Council's response to the costs application refers to matters of design, appearance and layout as being matters of legitimate planning judgement where well informed and well qualified persons can reason different conclusions. This may well be the case. However, in this case no evidence or explanation has been provided that the proposal is in any way deficient in terms of design, appearance and layout.
- There is no reasonable justification that the proposal is in conflict with the development plan in respect of a connection to the existing street pattern or satisfactory place making.
- I therefore find that the Council has not been able to demonstrate that it has a reasonable basis for its stance on these matters. Consequently, for the above reasons costs should be awarded against the Council due to its unreasonable behaviour in respect of the whole of the first reason for refusal which has resulted in the appellant incurring unnecessary expense in contesting these matters through the appeal.
- The Council's primary concern in this respect relates to site clearance works carried out prior to the submission of the planning application. The appellant's supporting ecological assessments submitted with the application was prepared following the clearance. The site clearance works would have been subject to normal wildlife protection regulations if and where relevant. There is no substantive evidence that significant adverse effects occurred in this regard.
- Whilst, having carefully considered the evidence, I have found there to be no significant conflict with development plan policies in this regard, on balance I do not consider that the Council has acted unreasonably with regard to this reason for refusal.
- The Council's concerns in regard to lack of infrastructure appear to have arisen from assertions rather than from any evidence regarding the need for facilities or pressure upon existing infrastructure. No evidence, for example, has been provided by the local education authority regarding existing school provision or the potential implications for such provision from the proposed development.
- Similarly, no detailed supporting evidence has been supplied to support and justify the Council's assertion on medical provision. Whilst there may be a strength of feeling on such matters, if these are to be put forward as a formal objection to a planning application, then supporting documented evidence is clearly required.
- Given the lack of supporting evidence to justify the Council's objection in this regard, I consider that the Council has behaved unreasonably in relation to this reason for refusal. This has resulted in the appellant incurring unnecessary expense in contesting this part of the refusal.
- The Council's fourth reason for refusal refers to the lack of a planning obligation with the planning application to secure contributions towards a footpath and cycle track. As there was no such obligation before the Council when it determined the application and the appellant does not

	<p>dispute the need for such contributions, I find that the Council has not behaved unreasonably in this respect.</p> <ul style="list-style-type: none"> • This reason for refusal relates to the failure of the proposal to prevent any adverse effects upon the integrity of the TBHSPA. There was no planning obligation to secure any mitigation before the Council when it determined the application. The applicant does not dispute the need for mitigation and has provided a planning obligation in this regard as part of its appeal submissions. In these circumstances, I do not consider the Council to have behaved unreasonably in this regard. • I find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has been demonstrated with regard to the Council's first and third reasons for refusal and that a partial award of costs is therefore justified. 	
<p>4.</p>	<p>Mr Yiu Wan 13 Epsom Road, Guildford GU1 3JT</p> <p>20/P/01877 – The development proposed is the erection of a two-storey extension and three storey addition to the existing building to form a one-bedroom flat and an additional bedsit with reconfiguration of existing two-bedroom flat to form a one-bedroom flat, following the demolition of the existing rear single storey extension. The existing ground floor commercial use is to be reduced in size and changed from A3 to A1/A2 use.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are; whether the proposed development would preserve or enhance the character or appearance of the Waterden Road Conservation Area (WRCA), • The effect of the proposal on the living conditions of 15 Epsom Road (No 15), with particular regard to daylight, sunlight and outlook, and • Whether the proposal would affect the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA). • The appeal site is within a parade of retail units on the edge of Guildford town centre. The two-storey row is arranged around the junction where Epsom Road meets London Road. The parade is of a traditional design, located on a prominent corner site, and makes a positive contribution to the character and appearance of the WRCA. • The two-storey element of the scheme would be of a sizeable depth and height resulting in a sizeable addition to the building. This would be disproportionate to its existing simple form of the host building. Furthermore, the second-floor roof element would add significant further mass to the existing roof with a dominant and disproportionate projecting gable roof form. The aggregated mass of both components would be substantial when taken in combination. This would be at odds with the generally discrete form of existing rear additions and would especially dominate the roof form of the terraced row. Although the proposal would include matching materials and a tiled roof, these design merits would not negate the harm that would be caused by the proposed anomalous addition within this context. • Consequently, the proposed development would neither preserve nor enhance the character or appearance of the conservation area. Accordingly, the proposal would not satisfy saved policy H4, HE7 and G5 of the LP1 and policy D1 of the Guildford Borough Local Plan Strategy and Sites 2015-2034 	<p>DISMISSED</p>

	<p>(2019)(LP2). These policies seek, inter alia, for development to be in scale and proportion with the surrounding area and to preserve or enhance the character or appearance of the conservation area. These policies are in conformity with the Framework which seeks development to be sympathetic to local character and history.</p> <ul style="list-style-type: none"> • The rear elevation of No 15 includes windows that serve residential accommodation. The proposed rear extension would place a large and bulky addition within close proximity of these rear windows. This rear projection would detrimentally reduce the field of vision of occupiers of the flat and create a dominating sense of enclosure for its occupiers. This would have a substantial and demonstrable effect on both the occupier's outlook and access to daylight. • There is some dispute between parties as to whether the second-floor window serves a separate flat or acts as a light well to serve the first floor flat. In either event, the harm found to the living conditions would not be materially reduced whether the second-floor window serves a habitable room or not. This is because of the overall scale and proximity of the proposal and its primary and overt impact on first floor windows. • As such, the proposal would result in significant harm to the living conditions of occupiers of No 15 with respect to outlook and daylight. Consequently, the proposed development would not accord with saved policies H4 and G1(3) of the LP1 which seek development to have no unacceptable effect on the amenities of occupiers of buildings in terms of daylight. These are generally consistent with the Framework which seeks to achieve a high standard of amenity for existing and future users. • The proposal would harm the character and appearance of the area and living conditions. It would therefore conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed. 	
<p>5.</p>	<p>Mr Gurpreet Singh Ghataore 21 Oxenden Road, Tongham, GU10 1AR</p> <p>20/P/02126 – The development proposed is a rear garden granny annexe, demolition of existing sheds.</p> <p>Planning Committee: 3 March 2021 Decision: Refused Officer Recommendation: To Approve</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the annexe would be ancillary and provide appropriate living conditions for the occupiers, and its effect on the character and appearance of the area. • The application is clear that the proposal is for a "granny annexe" and it was submitted to the Council as a householder development. The floor plans show the accommodation as a bedroom, bathroom and living room but no kitchen. The appellant explains that the accommodation is for family members who currently reside in the main dwelling and would remain dependant on it for cooking and other domestic facilities. • Whilst the building would be detached, contrary to the Council's position, I do not find it would be remote. The building would be a relatively short distance 	<p>*ALLOWED</p>

	<p>across the garden along an existing pathway and doors and windows on each building would directly face towards each other.</p> <ul style="list-style-type: none"> • I accept, given the position of the building with the access lane to the rear and parking to the side, the annexe maybe accessed separately. However, access to the main dwelling from the parking area is through the garden past the annexe. In my view, whilst there is no physical connection, there is a visual and functional relationship between the two buildings. Additionally, as promoted and accepted by the appellant a condition could be imposed restricting the occupation of the building. As such, I am satisfied that the proposal is for ancillary accommodation. In coming to my view, I have had regard to the case law referred to by the appellant. • The Council in their reasons for refusal also indicate that the proposal would provide a poor level of amenity for the occupiers, although no specific concerns are identified, nor have I been directed to any standards or policies relating to ancillary accommodation. The building is of a reasonable size, albeit subservient to the main dwelling, and each room is served by windows. Additionally, as ancillary accommodation the occupiers would share the facilities of the main dwelling which includes the garden which they would have direct access to. • The proposal would provide annexe accommodation of an acceptable form. As such, I find no conflict with Guildford Borough Local Plan 2003 saved policy G1(3), which seeks to protect the amenities enjoyed by occupiers of buildings, or place shaping policy D1 of Guildford Borough Local Plan Strategy and Sites. • Many of the properties along Oxenden Road have outbuildings in their gardens; there are numerous garages and other structures with low profile roofs adjacent to the access lane. The proposed annexe building is a simple design with a flat roof and would be constructed in bricks to match the main dwelling. • To accommodate the annexe a row of existing sheds which abut the rear boundary would be removed. Whilst the annexe would cover a greater area and be slightly taller it would be off set from the boundary. Thereby, in my opinion the visual relationship with the access lane would be similar. The building would not be visible from Oxenden Road, and the separation distance and intervening vegetation restrict views from Elm Lane. • In conclusion, I find that the building would not be out of keeping with the prevailing character of the area, and accordingly would not conflict with saved policies H8 and G5 Guildford Borough Local Plan Adopted January 2003 which seek to ensure that residential extensions have no unacceptable effect on character and respect the surrounding environment. • For the reasons set out above I conclude that the appeal should be allowed, and planning permission granted. 	
<p>6.</p>	<p>Mr Toby Shea Christmas House, Chinthurst Lane, Shalford, Guildford, Surrey GU4 8JS</p> <p>20/P/00785 - The development proposed is erection of 5no. new dwellings.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are (a) the effect of the proposal on the character and appearance of the area, (b) the impact on the Area of Great Landscape Value (AGLV) and (c) the adequacy of the size of bedroom 4 to all houses. 	<p>DISMISSED</p>

- Christmas House forms part of a row of detached dwellings fronting Chinthurst Lane that vary in size and design. There is not a strong building line and the dwellings are sited within curtilages that are generally large and of differing shape and size resulting in a spacious, verdant and informal character. This character extends to a scattering of dwellings set away from Chinthurst Lane, such as Rusham End to the north of the appeal site.
- The appeal site is set within the spacious, informally laid out area but the proposed houses would present as a tightly knit, regimented enclave. The flanks of the houses would appear close to each other or to the site boundaries and there would be extensive hard surfaced areas for parking and turning vehicles.
- The proposal would not readily assimilate into the spacious residential character surrounding the site. Whilst the size of the site has increased since the previous appeal, so have the number of dwellings. The proposal has not overcome the issue of the clustering of dwellings contrasting with the significant separation distances predominant in the area identified by the Inspector on the previous appeal.
- The proposal would thereby conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (adopted 2019) (LPSS) which requires all new development to achieve high quality design that responds to the distinctive local character (including landscape character) of the area in which it is set. In relation to the Framework, current Government policies recognise the need for more homes and to make effective use of land. But the proposal is not compatible with Chapter 12 on achieving well designed places and particularly Paragraph 130 which states that developments should “*add to the overall quality of the area*” and be “*sympathetic to the local character including the surrounding built environment and landscape setting*”.
- The proposal would adversely affect the openness and character of the appeal site and its immediate surroundings, as pointed out on the first main issue. As this area is within the AGLV, it would also affect its character in this respect, and the localised impact would be greater still if the conifer screening were to be removed. However, this is a less sensitive part of the AGLV, and having regard to all relevant factors my findings are that the proposal would not materially harm the wider distinctive open character of the AGLV to the east of the site. It would not be an unduly dominant feature in the landscape. There would therefore only be limited conflict with Policy P1 in relation to the proposal’s impact on the AGLV in the vicinity of the appeal site.
- Policy H1 of the LPSS states “*All new residential development must conform to the nationally described space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG)*” The Council confirm that the floor area of the proposed dwellings at 189 sqm each (excluding the integral garage), would exceed the 4 bed, 8 person floor area requirement for a two-storey dwelling of 124 sqm and that the bedroom widths would be satisfactory. Whilst bedroom 4 to all houses is depicted as a double bedroom on the submitted plans with a floor area of 8.55 sqm, below the 11.5 sqm required for a double bedroom, these bedrooms would be satisfactory for a single bed. Given the ample size of the dwellings proposed, there would not be conflict with Policy H1. It would be a matter for occupiers of each of the dwellings to decide what furniture to place in each of these bedrooms.
- I acknowledge the appellant’s claims to have sought to work with the Council on development of the site, comments that members of the

	<p>Planning Committee would prefer to see a higher number of smaller houses on the site and reference to other infill development, but the proposal would have a substantial adverse effect on the character and appearance of the area and a more limited impact on the AGLV. This harm would significantly outweigh the benefit arising from the provision of 5 additional dwellings that would contribute towards housing need in Guildford.</p> <ul style="list-style-type: none"> • For the reasons given above I conclude that the appeal should be dismissed. 	
<p>7.</p>	<p>Mr L Grimshaw Barnsthorns Woods, Old Lane, Cobham KT11 1NN</p> <p>20/P/00019 - The development proposed is described as, “Temporary Storage of 2 no. 12ft x 7ft x 7ft containers for 3 years”.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy; • the effect of the proposal on the openness of the Green Belt; and • if the proposal would be inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it. • The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this, as set out in paragraph 149 of the Framework. In this respect, the parties have focussed on a) buildings for agriculture and forestry. This principle is reflected in Policy P2 of the Guildford borough Local Plan: strategy and sites 2015 – 2034 (adopted 2019) (Local Plan) which references the list of exceptions identified by the Framework. • The appellant has stated that the proposal would be for forestry use. Specifically, reference has been made to the storage of plant and machinery required for the maintenance of the woods. However, the woodlands are subject to a Tree Preservation Order, and in this context very limited information has been provided to demonstrate the type or extent of forestry operations that would be supported by the proposed storage containers. Accordingly, based on the evidence before me I consider that the exception at paragraph 149 a) does not apply. • Thus, based on the evidence before me, I consider that the proposal constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy P2 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt. • The proposed storage containers would be located within an area of existing woodland where they would be unlikely to be visible from public vantage points. Nevertheless, even though they would be modestly-sized and temporary in their use, they would reduce the openness of the Green Belt in spatial terms. As such, whilst the impact to openness would be limited and localised, harm would result to the Green Belt. This would be in addition to the harm I have identified in regard to the first main issue. • The proposal would be inappropriate development in the Green Belt and would result in the loss of its openness. These matters carry substantial weight. Taken together, I find that the other considerations in this case do 	<p>DISMISSED</p>

	<p>not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with the Green Belt aims of Policy P2 of the Local Plan, or the Framework, and consequently would be unacceptable.</p> <ul style="list-style-type: none"> • For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed. 	
<p>8.</p>	<p>Mrs K Coetzee Highlands Farm, Chalk Lane, East Horsley, Leatherhead KT24 6TH</p> <p>20/P/01283 - The development proposed is described as, "Replaced dwelling following demolition of existing dwelling".</p> <p>Delegated Decision: To Refuse</p> <ul style="list-style-type: none"> • The main issues are whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy; • the effect of the proposal on the openness of the Green Belt; and • if the proposal would be inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it. • The appellant has referred to the scale of neighbouring properties and the proposal's relationship to those properties, the size of the plot and the size of the plots of neighbouring properties, that the proposed new dwelling would be set-back further from the road than the existing building, and the rationale for the design of the proposal. I acknowledge that the proposal would have a similar footprint to the existing dwelling (and would be lesser in width and length). • However, elements of the proposed building would be taller than at present, albeit to a limited extent. The proposal would also appear bulkier by virtue of the increase in internal floorspace proposed accommodated at first floor level. By virtue of the design and location of the proposal, whilst overall it would be similar to the existing building, it would nevertheless in certain respects be of greater dimensions. • Moreover the assessment of the proposal against the building to be replaced for the purposes of the Framework and Local Plan policy P2 is principally a question of actual physical size, rather than perceived size. In this regard, the Council have stated that the proposal would result in a substantial volumetric increase of approximately 51%, over-and-above that of the existing dwelling. This figure has not been disputed by the appellant. • Given my reasoning above, notwithstanding the approach taken to the design of the scheme, its location within its plot and its relationship to neighbouring properties, the proposal would be materially larger than the existing dwelling. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy P2 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt. • The proposal would be inappropriate development in the Green Belt and would result in the loss of its openness. These matters carry substantial weight. Taken together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very 	<p>DISMISSED</p>

	<p>special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with the Green Belt aims of Policy P2 of the Local Plan, or the Framework, and consequently would be unacceptable.</p> <ul style="list-style-type: none"> For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed. 	
<p>9.</p>	<p>Mrs Elizabeth Jackson High Barn Bungalow, High Barn Road, Effingham KT24 5PS</p> <p>20/P/01226 - The development proposed is erection of stable block with integral haybarn and tractor store following demolition of existing stable block, haybarn and storage to the rear and its associated hard surfaces.</p> <p>Delegated Decision: To Refuse</p> <ul style="list-style-type: none"> The main issues are whether the proposal would be inappropriate development in the Green Belt; The effect of the proposal on the character and appearance of the area, including the settings of the Surrey Hills Area of Outstanding Natural Beauty and the Area of Great Landscape Value; and If the proposal would be inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it. The proposed replacement stable block would be a large structure, which would be placed in a prominent position, adjacent to the road. As such, its bulk and massing would reduce the openness of the Green Belt in both visual and spatial terms. This impact would not be adequately offset by the new building line that would be created and the removal of the existing L-shaped driveway surface. Furthermore, due to its more prominent position and larger size, the new stable block would have a greater impact on the openness of the Green Belt than the existing stables. Although the impact to openness would be limited and localised, harm would result to the Green Belt. With the above in mind, the proposal would constitute inappropriate development in the Green Belt for the purposes of the Framework and Policy P2 of the Local Plan, and Policy ENP-G1 of the Neighbourhood Plan, to which the appeal scheme would be contrary. Inappropriate development is, by definition, harmful to the Green Belt. The proposed development would also, for the reasons I have given, reduce both the spatial and visual aspects of the Green Belt's openness. I find that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. It would conflict with Policy D1 of the Local Plan, which provides that, amongst other things, all new developments will be required to achieve high quality design that responds to the distinctive local character (including landscape character) of the area in which it is set, and with Policy ENP-G2 of the Neighbourhood Plan which provides that, amongst other things, all development proposals must maintain the character of the built environment by ensuring that the scale and height of new buildings are proportionate to their surroundings. It would also conflict with paragraph 130 of the Framework which provides 	<p>DISMISSED</p>

	<p>that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.</p> <ul style="list-style-type: none"> • The proposal would be inappropriate development in the Green Belt and would result in a reduction in its openness. Further, the appeal scheme would conflict with the purposes of including land within the Green Belt for the reasons I have given. These matters carry substantial weight. Additionally, the proposal would give rise to harm to the character and appearance of the area. The harms would lead to conflict with the development plan in the terms I have set out. Taken together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. • Having considered the development plan as a whole, the Framework, and all other relevant material considerations, the appeal should be dismissed. 	
<p>10.</p>	<p>Mr Anthony Stewart Appin Lodge, Long Hill, The Sands, Farnham GU10 1NQ</p> <p>20/P/00483 - The development proposed is erection of a detached outbuilding following demolition of the existing building.</p> <p>Delegated Decision: To Refuse</p> <ul style="list-style-type: none"> • The main issues are whether the appeal scheme constitutes inappropriate development in the Green Belt, having regard to the Framework; • The effect on the openness of the Green Belt; and • If found to be inappropriate development, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. • Located within the Green Belt, the appeal site comprises a residential property and several outbuildings set within spacious grounds. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. • There is no dispute between the main parties that the outbuilding constitutes a replacement building, as it has been constructed in a position that substantially overlaps that of the original building. The submitted information however confirms that the replacement building is materially larger than the original structure, having regard to its height, width, floor area and mass. • Having regard to the available evidence, I find that the appeal building is materially larger than the one it has replaced, and constitutes inappropriate development in the Green Belt. It therefore conflicts with paragraph 149 of the Framework and Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (adopted 25 April 2019), which confirms that inappropriate development in the Green Belt will not be permitted unless very special circumstances can be demonstrated. • The replacement outbuilding is materially larger than the former structure. It is therefore a larger built form in spatial terms. Although it is partially screened by existing boundary fencing and vegetation, the additional height of the outbuilding increases its visibility from the track running to the south-east of the site. Consequently, the development results in a moderate loss of openness, both in spatial and visual terms, thus adding to 	<p>DISMISSED</p>

	<p>the harm by reason of inappropriateness, which is contrary to the Framework.</p> <ul style="list-style-type: none"> • The appeal scheme constitutes inappropriate development in the Green Belt, and reduces openness. Substantial weight is ascribed to the inappropriate nature of the development, but also to the harm caused to openness. The development therefore conflicts with national and local planning policies. Against that, I can only attach very limited weight to the presented fallback position, due to the lack of evidence in that regard and absence of mechanism restricting the use of PD rights. • Overall, the harm to the Green Belt is not clearly outweighed by other considerations advanced in support, whether taken individually or cumulatively. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. • There are no considerations which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, the appeal is dismissed. 	
<p>11.</p>	<p>Mrs E Lakin Poultry Farm, Lark Rise, East Horsley, Surrey KT24 6TN</p> <p>21/W/00014 - The development proposed is a change of use from agricultural buildings to dwellinghouse (Class C3) comprising one dwelling.</p> <p>Delegated Decision: To Refuse</p> <ul style="list-style-type: none"> • The main issue is whether or not the proposed development would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO). • Class Q of the GDPO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order1. It also permits any building operations reasonably necessary to convert the building. • The Planning Practice Guidance (PPG) provides further clarification at Paragraph 1052, including that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Thus, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. • The structural appraisal submitted by the appellant concludes that the existing building is suitable for purpose, but that additional works would be required to the foundations and existing slab if it is to become a habitable building. The recommendation is for underpinning where the footings do not exceed 450mm in depth. Appendix A of the appraisal provides the specification for the underpinning, which would extend across all of the building where the habitable accommodation would be located. I have no reason to consider that the recommendation of the structural appraisal is not accurate. • A common sense conclusion on reading the appraisal must be that the building's foundations are not currently strong enough to enable the 	<p>DISMISSED</p>

	<p>building to be used as a dwelling. Given the nature and scale of the underpinning required to enable it to be used as a dwelling, the existing building would not already be suitable for conversion. Consequently, the building would not be considered to have the permitted development right provided by Class Q.</p> <ul style="list-style-type: none"> • Furthermore, given the nature and scale of the underpinning and that the structural appraisal confirms the building to be currently suitable for purpose, the works would, as a matter of fact and degree, go beyond the 'maintenance, improvement or other alteration' of the building. Accordingly, they would not comprise internal alterations which would be exempted from the definition of 'development' under S.55(2)(a) of the Act3. • Having regard to the above, the proposed works would go beyond what might sensibly or reasonably be described as a conversion. Accordingly, they cannot be considered to fall within the terms of Paragraph Q.1.(i) and therefore the proposal does not benefit from deemed permission under Class Q. • For the reasons given above, I conclude that the appeal should be dismissed. 	
<p>12.</p>	<p>Guildford Borough Council for a partial award of costs against Mr and Mrs Boag Land at Heath Cottage, Cuttmill Road, Shackleford, Godalming GU8 6BJ</p> <p>The hearing was in connection with an appeal against an enforcement notice alleging the erection of three unauthorised extensions.</p> <ul style="list-style-type: none"> • From submitted emails it is clear that the appellants, through their agent, made attempts to communicate and co-operate with the Council during the determination of the application and there was an exchange of correspondence. The Council wanted medical and expert evidence to justify the scale and extent of the extensions. The Council was reasonable in this request, in light of the restrictions on new development in the Green Belt where considerations amounting to very special circumstances need to exist, and as I have myself found in my decision. • A response from the Principal Planning Officer stated that the Council had all the information it needed to make their assessment [of the application]. It is not unreasonable that this response led the appellants to believe nothing further needed to be submitted for their application. • It is not unreasonable for any party to seek to resolve a reason for refusal through the appeal process and to submit additional information to do so. The appellants submitted some additional medical information at the exchange of Statements and later a PCN Assessment at Final Comments stage. In terms of the documents themselves, I find the appellants did not act unreasonably in submitting them to support their case. • However, the Procedural Guide makes clear that all parties should follow good practice and behave reasonably, and meet the statutory timetables to ensure that no-one is disadvantaged and the appeal can be processed efficiently. Keeping to the timetables is fundamental and everyone is expected to comply with them. • The appellants' PCN Assessment contained detailed and new information about the son's condition, which clarified some matters the Council had been unaware of until that stage. Whilst the appellants say they commissioned the PCN Assessment in advance, they did not give any indication to the Council that such a report was being commissioned or 	<p>COSTS REFUSED</p>

	<p>would be forthcoming. This supply of substantial new information late in the appeal stage also amounts to unreasonable behaviour.</p> <ul style="list-style-type: none">• If the appellants had submitted the medical documents and PCN Assessment earlier in the appeal timetable, or indeed during the determination of the planning application, I consider it likely that the Council would have still sought professional advice to enable it to respond. Whether any costs could have been saved by the earlier submission of evidence cannot be gleaned with any level of clarity on the information before me.• The use of a Barrister was entirely the choice of the Council and a choice unlikely to have been influenced by the appellants' conduct. Having made that choice, it was a cost incurred regardless of the late submission of evidence. Moreover, the costs application could easily have been made without the assistance of a Barrister.• Whilst I find the appellants have acted unreasonably by submitting substantial new evidence late in the appeal stage, albeit within overall appeal deadlines, I am not satisfied that this caused the Council to incur unnecessary or wasted expense.• I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG and alleged by the Council, has not been demonstrated. An award for costs is therefore not justified.	
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