

Planning Committee

15 June 2022

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. Mr Karl Kavanagh

Land at Goal Farm, Gole Road, Pirbright, GU24 0PZ

EN/20/00314 – Breach of planning control

Decision – Dismissed

Summary of Inspector's Conclusions:

The appeal on ground B

- Having regard to the paucity of the area of grass on the appeal site, the size of Building 1, the facilities within both Buildings 1 and 2 and the not disputed potential for the breeding of horses on the site, I am not persuaded that the use of the appeal site is solely or primarily for the grazing of horses. I am therefore not persuaded that the land is in agricultural use. In that respect, the appellant has failed to discharge the burden of evidence that falls upon him under this ground of appeal. Against that, the evidence produced by the Council and in third party representations, together with my own observations at the site visit, tend to indicate that the site is being used for equestrian purposes, as alleged in the notice.
- I conclude that, on the balance of probability, the matters stated in the notice have occurred. Accordingly, the appeal on ground (b) fails.

The appeal on ground A

- I therefore conclude that, with exception of the drainage, the breach of planning control alleged in the enforcement notice is inappropriate development in the Green Belt in the context of Paragraphs 149 and 150 of the Framework. Paragraph 147 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- I conclude that the breach of planning control unacceptably harms the character and appearance of the area. I therefore conclude that the development which has taken place is contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019, as well as those elements of saved Policy G5 of the Guildford Borough Local Plan that have not been superseded by the new Local Plan. These policies require,

amongst other things, that all new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set.

- I recognise that the drainage is not visible above ground, and has no impact on the character and appearance of the area. Nevertheless, the installation of the drainage has facilitated a use of the land and the associated operational development that is significantly harmful to the openness of the Green Belt and to character and appearance of the area. The drainage is an integral part of the operation to erect Building 1 and the notice requires the removal of the building that the drainage serves. In the absence of any lawful use to which the building could be put, it makes no sense to grant planning permission for the drainage in isolation. Consequently, there is no sound planning reason to grant planning permission for the drainage and, in my view, that outweighs the neutral effect on the openness of the Green Belt and character and appearance of the area.
- For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

2. Mr Karl Kavanagh

Land adjacent to the Willows, Gole Road, Pirbright, Woking, GU24 0QF

21/P/01060 – The development for which a certificate of lawful use or development is sought is the erection of 2m high brick piers, 1.8m high timber entrance gates and 2m high wall.

Decision – Dismissed

Delegated Decision – To Refuse

Summary of Inspector's Conclusions:

- Section 192(2) of the 1990 Act indicates that if, on an application under that section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application. My decision is therefore based on the facts of the case and judicial authority. The main issue is whether the Council's decision to refuse to grant a Certificate of Lawful Use or Development (LDC) was well founded. In this respect, the burden of proof is on the appellant to show that, on the balance of probability, the development proposed would have been lawful on the date on which the application was made.
- In this case, the proposed wall, brick piers and entrance gates would be set back behind a grass verge for distances varying between 3.7 metres and 8.7 metres. To the west of the proposed entrance gates, an existing chain link extends along the full length of the boundary of the land fronting Gore Road that is within the appellant's ownership¹. Although not shown on the application drawings, my understanding of the appellant's evidence is that this chain link fence would be retained. That fence would therefore form an intervening feature between that part the proposed wall and the highway. However, at the time of my site visit, to the east of the entrance gates the chain link fence (if it ever existed in that position) had been replaced by a timber hoarding and metal entrance gates, the latter set back from the highway.

- Along that part of the site frontage where the existing chain link fence would be retained, the alignment of the proposed wall parallel to Gore Road, together with its height, design and appearance, would dominate the chain link fence in front. The latter would therefore be viewed as being subservient to the wall behind. Furthermore, the proposed wall would be clearly intended to define that part the boundary, and would clearly be perceived as doing so. Overarching both of these considerations is that, with a distance from the highway of some 3.7 metres, the wall would in my opinion still be 'near' to highway, albeit not directly next to it. For those reasons, I consider that as a matter of fact and degree the proposed wall to the west of the entrance gates would be adjacent to the highway, notwithstanding the presence of the chain link fence in front.
- To the east of the proposed entrance gates, there would be no intervening feature between the proposed wall and the highway. Similarly, although set back by a greater distance, there would be no intervening feature between the proposed entrance gates and the highway. The wall and entrance gates would be clearly intended to define that part the boundary, and would be perceived as doing so. For that reason, I consider that as a matter of fact and degree this section of the proposed wall, as well as the proposed entrance gates, would be adjacent to the highway.
- I have found that the proposed wall, brick piers and entrance gates would be adjacent to a highway. All would exceed 1 metre in height and, therefore, would not constitute permitted development under Class A, Part 2, Schedule 2, Article 3 of the GPDO.
- For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of 2m high brick piers, 1.8m high timber entrance gates and 2m high wall at land adjacent to The Willows, Gole Road, Pirbright, Woking GU24 0QF was well-founded and that the appeal should not succeed. I will exercise the powers transferred to me in section 195(2) of the 1990 Act as amended.

3. Bewley Homes Plc

Land at Ash Manor, Ash Green Road, Ash, Guildford, GU12 6HH

20/P/01461 – The development proposed is the erection of 73 dwellings with associated vehicular and pedestrian access from Ash Green Road, parking and secure cycle storage, onsite open space, landscape and ecology management and servicing.

Decision – Dismissed

Planning Committee – 8 September 2021

Officer Recommendation – To Approve

Decision – To Refuse

Summary of Inspector's Conclusions:

- The development plan includes the saved policies in the *Guildford Borough Local Plan* (the Local Plan) adopted in 2003 and *the Guildford Borough Local Plan: Strategy and Sites (2015-2034)* (the LPSS) adopted in 2019. There is also the single saved policy NRM6 in the South East Plan relating to the Thames Basin Heaths Special Protection Area. There is no dispute that the development plan for the purposes of this appeal is up to date.
- Policy S2 in the LPSS establishes a minimum requirement for 10,678 new homes during the plan period of 2015-2034. The Borough is heavily constrained by the

Green Belt, Area of Outstanding Natural Beauty and nature conservation sites including the Thames Basin Heaths Special Protection Area. This explains the importance of the unconstrained areas for housing delivery, including the area around Ash and Tongham. Within this vicinity, the strategic allocation under policy A31 of the LPSS proposes approximately 1,750 homes. It comprises a number of disconnected land parcels and the appeal site is within the largest, northern, section of the allocation.

- The *Strategic Development Framework Supplementary Planning Document* (the SDF) was adopted to inform the master planning principles for each allocation with a series of illustrative diagrams as to what is envisaged. The policy A31 land has been brought forward on an incremental basis, reflecting its disparate land ownerships. At the present time about 1,341 dwellings have either been built or have received planning permission within the allocation. This means that some 409 dwellings remain to be built within the local plan period.
- As part of an allocated site, the principle of development on the appeal land is not in question. I heard no convincing evidence that this land was unsuitable for housing or should be kept as a green open space. Indeed, if that had been the intention, I would have expected that the requirements in policy A31 would have said so. The Local Plan Inspector and those drafting the relevant LPSS policies would have been aware of the presence of the heritage assets when allocating the A31 land.
- The Council has a supply of deliverable housing land to meet its requirements for the next 7 years. Housing delivery over the last 3 years has also exceeded requirements. These matters have not been challenged and this is not therefore a case where the provisions in paragraph 11d) ii), or the so-called *tilted balance* approach to decision making, applies.
- **The effect of the proposed development on the significance of heritage assets**
- There is no dispute that the relevant designated heritage assets are the listed buildings that form the Ash Manor complex immediately to the north of the appeal site. It comprises five properties, which are now in residential use. Ash Manor and the adjoining Ash Manor Cottage are the most northerly of the buildings and are Grade II*. Ash Manor Oast and The Oast House are in the centre and to the south is Oak Barn. These buildings are Grade II. To the east of Oak Barn is a large modern building that appeared to be used for storage. To the west of the complex is Ashe Grange. This large residential property is Grade II and stands in extensive grounds. However, I concur with the parties that the appeal development would have no effect on its significance.
- Although Ash Manor and Ash Manor Cottage are now separate residences, they were originally one building, possibly dating back to the 13th century. A water filled square moat survives to the north, south and west of Ash Manor and is a non-designated heritage asset. Ash Manor would have been a manorial estate surrounded by countryside and farmland. The farmstead, known as Manor Farm, included the 16th century oak-framed barn at the southern end of the complex and the 18th/ early 19th century oast, store and stables in the centre. Historic England comments that the listed buildings and moat have a strong group value, which shows integrity and coherence as a manorial site in a rural setting.
- There was debate at the inquiry about whether the access trackway, which crosses the western part of the appeal site and the pond close to the northern boundary are

non-designated heritage assets. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) anticipate that it will be for local planning authorities to take the lead in the identification of such assets using clear and consistent criteria for selection. This may be through compilation of local lists, the plan making regime or undertaking heritage reviews. The Council had not previously recognised these two features in any of these ways. However, it seems to me that an asset could still qualify if there is sound evidence given to the inquiry to establish a sufficient degree of significance. The Framework defines “*significance*” as the value of the asset because of its heritage interest. This may be archaeological, architectural, artistic or historic.

- There has been a pond on the northern side of what was once Ash Green for a long time. It can be seen in roughly its present form on the 1841 Tithe Map and late 19th century Ordnance Survey mapping entitles it Manor Farm Pond, which suggests a link to the farmstead. On the 1841 Tithe Map a road ran from Ash Village and crossed Ash Green in a southerly direction. A spur from this road served Manor Farm. Ash Green was subject to enclosure later in the 19th century and the road system changed at this time, probably in response to the construction of the railway to the south. The earlier road became the driveway to Ash Manor and joined the newly built Ash Green Road. I have no doubt that the pond and trackway have some historic value and contribute to the wider significance of the designated assets. However, I do not consider that there is sufficient evidence that they have a degree of significance that would justify classification as non-designated heritage assets in their own right.
- **Setting and Significance**
- The special interest of the Ash Manor complex derives from the architecture and history of its buildings and their setting. The immediate setting now comprises domestic curtilages and so has changed considerably. The farmstead no longer exists due to the conversion of some farm buildings and the removal of others. Nevertheless, the interrelationship between the farmstead and the moated site of Ash Manor is still evident. The main parties agreed that the significance of the heritage assets also derives from their wider setting.
- The wider setting comprises the surrounding agricultural fields, including the appeal site. Despite many changes in the Ash and Tongham area itself, I consider that the rurality of the area surrounding the Ash Manor complex can still be appreciated. It provides the visual, historical and functional context in which the assets are seen, understood and experienced. This was clearly an estate of some importance and status as demonstrated by the location of Ash Manor within the countryside and well separated from Ash, which would have been a village at this time. This would also explain the defensive position provided by the moat. Whilst the buildings in the Ash Manor complex are now occupied as separate dwellings, there remains a functional connection with the surrounding land as the 19th century stables provide shelter for the horses that currently graze in the adjoining paddocks, including the appeal site.
- There remains a strong visual connection between the adjoining land and the listed buildings, although in some places this is filtered by boundary trees and greenery. Within such views the importance of the rural setting can be appreciated, and the historical context can be understood. For the reasons given above, I do not consider

that the pond and the trackway are heritage assets in their own right. However, they are both longstanding features in the historic landscape and contribute to the significance of the heritage assets.

- There was some debate at the inquiry about whether the land around the Ash Manor complex has similar importance in terms of setting. It is the case that the two Grade II* buildings are at the northern end of the complex. However, I observed southerly views from the front windows and garden of Ash Manor. Furthermore, the entrance drive to the overall complex crosses the appeal site. It is appreciated that houses now front onto the southern side of Ash Green Road, but their presence is ameliorated by the boundary trees, especially in the summer months. Whilst much of the appeal site was at one time common land and part of Ash Green, it is not unreasonable to surmise that Ash Manor retained manorial rights. In any event, by the late 19th century the evidence indicates that the land had been enclosed and was being used as farmland. To my mind the appeal site is as important to the setting of the heritage assets as the other land surrounding them. Overall, the wider setting of the listed buildings contributes to their special interest both individually and as a group.
- **The effect of the appeal proposal on the significance of the heritage assets**
- The appeal proposes a residential estate of 67 houses on a large part of the currently open field to the south of the Ash Manor complex. The presence of the houses, gardens and roadways in place of the existing open field would be a change that would diminish this part of the setting of the heritage assets. There was no dispute that the scheme would result in less than substantial harm to the significance of the designated heritage assets.
- I acknowledge that the Appellant has made changes to the layout in order to improve the relationship with the listed buildings. It has sought to reduce harm and to some degree this has been successful. For example, there would be an amenity area around the reconfigured pond that would provide undeveloped space between the nearest houses and the southern boundary of the Ash Manor complex. Furthermore, there would be an open vista in the direct line of sight from Ash Manor and this is to be welcomed.
- I do though have particular concern about the proximity of the dwellings to the eastern side of the historic trackway to the Ash Manor complex. Although the vegetation on either side would be retained the buildings, their gardens and any domestic paraphernalia would be forefront in the easterly view. Their relative proximity would considerably diminish the sense of rurality and isolation that can still be experienced when approaching the Ash Manor complex from White Lane. This is recognised in policy A31(8), which requires that views to and from the Ash Manor complex, including their approach from White Lane, must be protected. The particular layout proposed would be insensitive to the value of the driveway in terms of significance and would fail to comply with this element of the policy.
- The pond itself would be smaller in overall size but reconfigured in shape and elongated to extend northwards into part of the field to the east of Oak Barn. It would function as a flood risk attenuation basin and the water level would be about 1.9m lower than it is at present. It is proposed to plant the margins with aquatic plants and improve the water quality to enhance its ecological value. I accept that this could be a positive attribute within the context of a residential estate, although

I am doubtful that it would resemble the rather idyllic feature that the computer-generated images envisage. However, I consider that the attenuation pond would have an engineered appearance due to its water level, configuration and profile and despite the information provided to the inquiry I also have concerns about the appearance of the inlets and outlets. It would certainly be quite different from the simple field pond that has existed in more or less the same form for centuries within the historic landscape. The effective loss of the field pond would diminish the setting of the heritage assets, particularly Oak Barn which is in closest proximity.

- Drawing together the above points, the appeal scheme would cause less than substantial harm to the significance of the heritage assets. On a continuum of low to high within the less than substantial category, I consider that the harm would be towards the upper end of mid-range.
- **Cumulative Effects**
- Any cumulative consideration cannot merely be the product of the individual effects and is a matter of judgement. The combined effect would be to erode the historic setting of open fields, particularly to the north and south and to a lesser extent to the east. The importance of this to significance has already been addressed and I have no doubt that when considered together the appreciation of the heritage assets would be further diminished. It does though seem unlikely that the developments in question would all be experienced in one view, either from within the Ash Manor complex or when approaching it along the driveway. I do not agree with the Council that the cumulative effect would be close to the tipping point of substantial harm, but I do consider that it would rise to the upper end of mid-range harm in the less than substantial category.
- **Conclusions**
- For all of the above reasons the proposed development would cause less than substantial harm to the significance of the heritage assets of the Ash Manor complex, both to the listed buildings individually and to the listed buildings as a group. In terms of the harm arising solely from the appeal scheme this would be towards the upper end of the mid-range and in terms of the cumulative harm this would be slightly higher, falling at the upper end of the mid-range.
- The appeal proposal would conflict with saved Policy HE4 in the Local Plan, which relates to development that affects the setting of a listed building. It would also conflict with policy A31(8) in the LPSS, which requires sensitive design at the site boundaries with the Ash Manor complex and protection of views to and from the heritage asset, including their approach from White Lane. Whether there would be compliance with policy D3 in the LPSS or with the Framework will depend on whether the identified harm is outweighed by the public benefits. This is a matter to which I shall return below when considering the planning balance.
- **The effect of the proposed development on the landscape and rural character of the area**
- In the *Guildford Landscape Character Assessment* (the LCA) the Tongham Urban-Rural Fringe landscape character area lies to the east of the built-up area. The LCA points out that the Tongham Urban-Rural Fringe is influenced by proximity to the urban edge and typical fringe uses such as horse paddocks. The LCA provides part of the evidence base to the LPSS. The Examining Inspector recognised that there are significant landscape constraints, including large parts of the Borough within the

Surrey Hills Area of Outstanding Natural Beauty and the Green Belt. This was taken into account in his conclusion that the development allocations are in places that avoid significant landscape harm. Indeed, the Policy Map specifically removes the A31 allocation from the countryside designation and policy P3 in the LPSS does not apply.

- The policy A31 allocation itself covers a large area and is not homogeneous in terms of landscape features. Even within the north-eastern part of the policy A31 allocation, where the appeal site is located, the land does not exhibit a uniform character. In the case of the appeal site, it seems to me that there is a rural ambience with the existing open fields and boundary trees and hedges being typical of the wider landscape. The pond and the historic farmstead comprising the Ash Manor complex also contribute to the rural feel. There are also urban influences, particularly the frontage housing on the southern side of Ash Green Road. However, it should also be borne in mind that this is an area planned to undergo substantial change. Even those developments that are currently permitted such as the Ash Road Bridge scheme and the May and Juniper Cottage residential development, will make a significant difference to the existing landscape.
- Policy A31 has 12 requirements. However, it should be noted that they refer to the whole allocation and are not applicable to every site within it. The Examining Inspector considered that it was necessary to ensure that the policy A31 development protects the setting of Ash Manor and the identity of Ash Green village. He recommended modifications accordingly. The relevant requirements relating to landscape are (6) and (7), which I consider below.
- Conclusions
- There is no dispute that the Council has a housing land supply of about 7 years. There is also no evidence that the deliverable sites in the supply will not come forward during this period. On the policy A31 land about 409 dwellings remain outstanding. Whether or not the remaining undeveloped land, which includes the appeal site, will be able to provide this number of dwellings is open to question. Heritage constraints will clearly be an issue and there are other requirements such as Biodiversity Net Gain that will need to be addressed. The Appellant also questioned the availability of SANG space although from what I was told there are private facilities in the vicinity.
- It is to be noted that policy A31 uses the word “approximate” in reference to the number of houses the allocation is expected to deliver. Common sense would suggest that this means what it says. I understand that it reflects that the number of dwellings in the allocation were derived from a capacity exercise. Whilst policy S2 establishes that the overall housing requirement is a minimum figure, the unchallenged evidence indicates that there is a considerable supply headroom across the whole trajectory.
- It is appreciated that the appeal site could be brought forward quickly and that a relatively short implementation period has been agreed. However, it is not a necessity in terms of the supply or delivery of land in the short term, which does not depend on the appeal site or indeed on any of the remaining policy A31 land. The fact that the appeal site is not within the Council’s 5 year housing land supply does not mean that it would not be beneficial if it were to be delivered expeditiously. It is Government policy to boost the supply of housing, and the proposed delivery from

the appeal site would be in accordance with this objective. Nevertheless, the Council has a very favourable land supply position throughout the plan period and the Council's evidence in this regard was undisputed. Bearing all of these points in mind, the proposed housing provision on this sustainable allocated land would be a benefit to which I attribute significant weight.

- The proposed development would also deliver the full policy level of affordable housing. The tenure split and unit size would meet identified needs in accordance with the *Strategic Housing Market Assessment*. There is no dispute that there is an acute need for such housing within the Borough and that the situation is deteriorating year on year. I consider that the 28 affordable homes would be a benefit of substantial weight and I do not agree with the Council that it would be any less important because it would be policy compliant.
- The Council is satisfied with the housing mix, which would comprise 1, 2, 3 and 4 bedroomed houses and apartments. There would also be accessible and adaptable dwellings. This would be a benefit of moderate weight.
- There are various provisions that would be necessary to meet the needs of the development. These include the financial contributions towards education, off-site open space, healthcare and policing and they would provide proportionate mitigation rather than benefits. However, there would be other provisions that would also offer some wider advantage to the established population. These would include traffic calming measures and high friction surfacing along Foreman Road; the upgrade to off-site pedestrian and cycle routes; new pedestrian and cycle connections into the site; and provision of the on-site amenity space. These would be benefits of moderate weight.
- The Appellant made much of the fact that the on-site pond, which is clearly valued by local people, would become publicly accessible. However, I do not consider this to be a benefit in its own right. The attenuation pond would bear little resemblance to what exists at present. I accept that the water quality would be improved and that there would be added value to biodiversity, which I consider below. There would also be the potential to contribute to an attractive amenity area within the context of the new housing estate, which I have considered above.
- There would be a biodiversity net gain. Whilst at the present time there is no policy stipulation, it would be well above the 10% that is likely to be introduced in due course. The gains in terms of habitat and hedgerow units have been included as a covenant in the Section 106 Agreement and would represent a benefit of significant weight. In addition, the proposal to ensure the succession of the rare fungal species oak polypore *Piptoporus quercinus* through the planting of 12 heavy standard Pedunculate oaks would provide an additional significant ecological benefit.
- Policy A31 includes the provision of new road and foot bridges to enable the closure of the level crossing adjacent to Ash railway station. The road bridge has now received planning permission and I was told that work is expected to start shortly. Funding depends on Section 106 contributions, including by the developers of the policy A31 land. The Council has committed to meeting any funding gap and so there is no reason to believe that the project will not go ahead. From the discussions at the inquiry, I am satisfied that the financial contribution from the appeal site would be proportionate and meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations. Whilst it would be necessary to

mitigate the impacts of increased traffic generated by the scheme it would also provide a wider benefit by helping to enable delivery of this important infrastructure project. It is a benefit to which I afford moderate weight.

- The development would generate employment during the construction period. Furthermore, there would be a reliance on associated goods and services that would help support local businesses and tradespeople. The new population would generate additional income that would increase spending in the local economy to support local shops and services. These are economic advantages of moderate weight.
- Reference has been made to various generic payments. The New Homes Bonus is intended to incentivise housing growth but as far as I am aware this would not be ring fenced by the Council for projects that might benefit the local area. Council Tax may generate significant revenue, but it is necessary to deliver local services and infrastructure to support the new development. These are neutral factors in the planning balance.
- **The Development Plan**
- The appeal proposal would be contrary to policy HE4 in the Guildford Local Plan and policies D3 and A31 in the LPSS. I acknowledge that there would be compliance with many of the other policies in the development plan. In numerical terms there are relatively few that would be offended. However, the correct approach is not a matter of arithmetic. Some policies will be of more importance than others in the planning balance. In this case I consider that the heritage policy D3 in the LPSS and the policy specific to this allocated land, policy A31, are of utmost importance. In the circumstances, I do not consider that the proposed development would comply with the development plan as a whole.
- Saved policy HE4 in the Guildford Local Plan does not fully accord with the Framework because it does not contain the balancing exercise relating to public benefits. I therefore give less weight to the conflict with that policy. However, this is somewhat academic because there is no dispute that policy D3 in the LPSS is not out-of-date. Overall, the development plan is up-to-date and, for the reasons I have given, there are no material considerations that would indicate a decision being made other than in accordance with it. The presumption in favour of sustainable development would not be engaged and as this is reflected in policy S1 in the LPSS, I cannot agree with the Council that the proposal would be in accordance with it.
- I have considered all other matters raised in the representations and at the inquiry. However, I have found nothing that changes my conclusion that the appeal should not succeed.

4. Mr and Mrs S Kennedy

Lea Cottage, Hook Lane, Shere, GU5 9QQ

20/P/02196 – The development is the extension of existing house following demolition of existing extensions and outbuildings at Lea Cottage.

Decision – Dismissed

Delegated Decision – To Refuse

Summary of Inspector’s Conclusions:

- The appeal property comprises a vacant detached two-storey dwelling connected to a two-storey annex by a single-storey link extension. It is located on the southern side of

Hooks Lane within a small grouping of dispersed residential dwellings and farm buildings in the Green Belt. The property is L-shaped and features a pitched roof and two distinctive chimneys. The attached annexe also has a pitched roof which stands at a lower height than the roof ridge of the main house. On my site visit I observed a number of sheds and outbuildings scattered within the north-eastern corner of the site and along the eastern boundary abutting the neighbouring Burrows Lea Farm.

- Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Policy P2 of the *Guildford Borough Local Plan: Strategy and Sites 2019* (LPSS) is consistent with this in that it gives a list of forms of development that are not inappropriate. Exception (c) addresses the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Having regard to extensions to buildings, Policy P2 of the Local Plan states that the “original building” shall mean the building as it existed on 1 July 1948, which is consistent with the definition set out within Annex 2 of the NPPF. Another exception outlined in paragraph 149(g) is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
- The appellant contends that the development meets exception (g) rather than exception (c) of paragraph 149 because the proposal includes the removal of the redundant ancillary buildings scattered around the plot. The appellant argues this would reduce the amount of built form within the site and improve the openness of the Green Belt. To support this, the appellant has provided figures demonstrating that the proposal would result in a total decrease of floor area within the site of 18.84% as well as an 8.56% decrease in total volume.
- I acknowledge that a considerable number of outbuildings would be demolished as part of the proposal. However, in considering the exceptions set out at paragraph 149 of the NPPF, the proposed works of construction quite evidently relate solely to extensions to the main house, with the central aim of the proposal to redevelop and extend the host dwelling. I find that in applying the literal meaning of the description of development relating to the new development, exception (c) outlined in paragraph 149 of the NPPF can be the only reasonable applicable exception of relevance to the scheme as it explicitly refers to the alteration and extension of a dwelling. As the proposed car port would be located in close proximity and would be clearly incidental to the main dwelling, it would also be reasonably considered as an extension for the purposes of this assessment.
- The Council states that the proposed extensions and alterations, combined with previous extensions, would represent a 352% increase in floorspace over the original building. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, national guidance does provide some guidance on measuring ‘proportionality’. The NPPF refers to ‘size’ which can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception.
- The proposed uplift in floorspace would be significant with the resultant gross external area (GEA) increasing dramatically from an existing 250 sqm to 375sqm as proposed, but from an original floorspace indicated by the Council to be 83 sqm, albeit that I note this figure was revised to 119 sqm in the assessment of the recently approved 2021

scheme. An increase in floorspace of this scale would not be considered to be proportionate in the context of the size of the original dwelling, and furthermore, the ridge height of the eastern half of the roof would be raised and the increase in built form at first floor level of the dwelling would result in greater visual bulk. Although the appellant considers that the total floorspace and volume of built form would decrease within the site, the considerable expansion of roofscape would be excessive and the resultant building would appear significantly larger in volume. Therefore, I find that the scale of the alterations and extensions would subsume the original dwelling and would therefore appear to be disproportionate.

- On the basis that the proposed extensions would result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) of the NPPF, as detailed above, and Policy P2 of the LPSS which seeks to resist inappropriate development in the Green Belt.
- Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The additional bulk, height and mass as a result of the extensions would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt. Furthermore, the significant increase in floorspace and the volume of roofscape means the proposal would also have a greater visual impact on the openness of the Green Belt. Although this impact must be balanced against the indicated removal of sheds and outbuildings within the site, the resultant bulky and substantial dwelling would be readily visible from Hook Lane as well from the open countryside to the southwest. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt.
- I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight must be given cumulatively to this harm. The weight attributed to the other considerations in this case is limited and does not outweigh the substantial harm I have identified. I conclude therefore there are no very special circumstances to justify the development.
- For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

5. Mr Christopher Weeks

Foxhill Cottage, Hunts Hill Road, Normandy, GU3 2AH

21/P/00575 – The development proposed is the conversion of garage to habitable accommodation, 2 two storey side and rear extensions to include a raised ridge height with three dormers and single storey side extension to main house.

Decision – Allowed

Delegated Decision – To Refuse

Summary of Inspector's Conclusions:

- The appeal property comprises a detached two-storey chalet-style dwelling located on the south-western side of Hunts Hill Road within a small grouping of dispersed residential dwellings in the Green Belt to the north of the settlement of Normandy. The property is set back from the road and features a pitched roof with a central gabled element having low eaves, a shallow pitch and finished with timber boarding. A two-storey double garage lies in close proximity to the main dwelling and also features timber cladding and a pitched roof. There is thick and mature

vegetation along the plot's boundaries providing effective screening. On my site visit I also observed that land levels rise sharply along the northern boundary of the site. As such, the neighbouring property to the north, known as 'Foxwell', lies on much higher ground.

- Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Policy P2 of the *Guildford Borough Local Plan: Strategy and Sites 2019* (LPSS) is consistent with this in that it gives a list of forms of development that are not inappropriate. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Having regard to extensions to buildings, Policy P2 of the Local Plan states that the "original building" shall mean the building as it existed on 1 July 1948.
- Whilst the Council states that the proposed extensions would be disproportionate, the appellant contends the total uplift in floorspace over and above the existing replacement dwelling would only represent approximately 23-28.6%. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, national guidance does give some guidance on measuring 'proportionality'. The NPPF refers to 'size' which can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the uplift in floorspace and footprint would be modest. Whilst the two-storey extension to the garage, the expansion of roofscape and the insertion of dormer windows would add visual bulk, it is not considered that this would be excessive. I do not find that the resultant width of the annexe would be unacceptably long as the proposed rear extension would be stepped down from the rest of the building with the ridge height of the roof being lower. This would help to reduce the perceived volume of the extension.
- Furthermore, the resultant annexe would remain visually subservient to the main dwelling due to its lower height and overall size. Indeed, although the ridge height of the garage would be raised it would still remain lower in height than the ridge height of the host dwelling. Given its modest single storey height and width, the proposed side extension to the main house would not appear bulky or dominant. Therefore, I find that the scale of the extensions would not subsume the original dwelling and would not be disproportionate.
- On the basis that the proposed extensions would not result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal is not inappropriate development in the Green Belt and would not conflict with Paragraph 149(c) of the NPPF, as detailed above, and Policy P2 of the LPSS which seeks to resist inappropriate development in the Green Belt.
- The proposed extensions would not detrimentally impact the street scene as only fleeting glimpses of the buildings are possible from Hunts Hill Road because of the solid gate and dense vegetation along the boundaries. The annexe is also set back by a considerable distance from the streetscene and, in any case, the scale and appearance of the extensions would not adversely impact the street scene.
- The proposal would therefore not adversely impact the character and appearance of the host dwelling and surrounding area. It would not conflict with Policy D1 of the LPSS, Saved Policies H8 and G5 of the Guildford Local Plan (2003), the NPPF and the 'Residential Extensions and Alterations' Supplementary Planning Document (SPD)

which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie.

- I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Costs Decision – Refused

- Mr Christopher Weeks against Guildford Borough Council
- The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
- Although I have assessed the proposed extensions and alterations as part of exception (c) of paragraph 149 of the NPPF with the existing replacement building as the baseline as opposed to the demolished original dwelling, it is considered that the Council was reasonably entitled to assess the proposals with the demolished building as the baseline. From the submissions, it is evident that the reasoning related to the proposed development has been clearly substantiated within the Officer Report. This does not support a conclusion of unreasonable behaviour.
- I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, the application for an award of costs is refused.