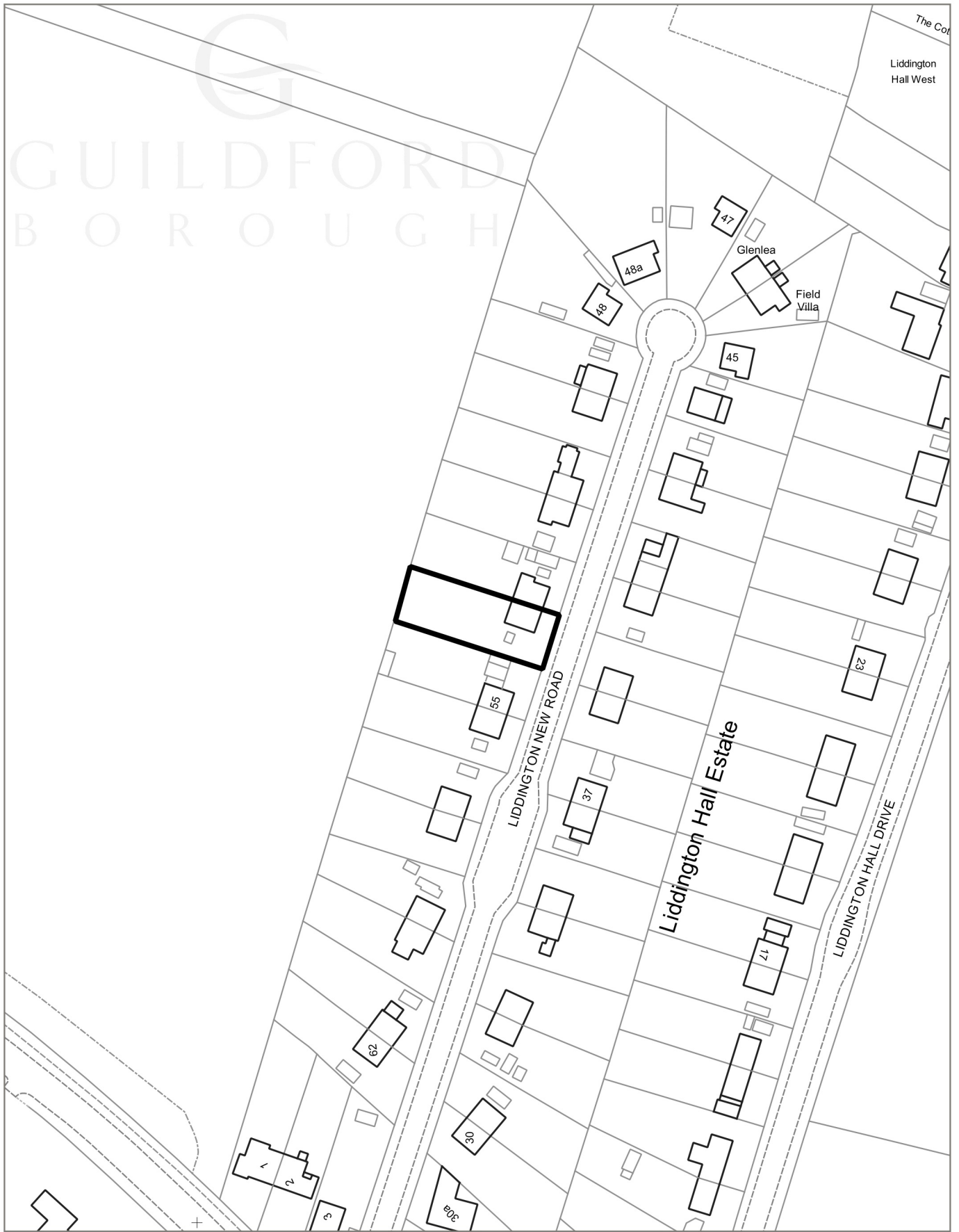


# 21/P/02477 - 54 Liddington New Road, Guildford



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Not to Scale



**GUILD FORD**  
BOROUGH

21/P/02477 – 54 Liddington New Road, Guildford, GU3 3AH



Not to scale

**App No:** 21/P/02477  
**Appn Type:** Full Application  
**Case Officer:** Maria Vasileiou

**8 Wk Deadline:** 17/06/2022

**Parish:** Worplesdon  
**Agent :** Mr. Nash  
54 Liddington New Road  
Guildford  
GU3 3AH

**Ward:** Worplesdon  
**Applicant:** Mr. Nash  
54 Liddington New Road  
Worplesdon  
Guildford  
GU3 3AH

**Location:** 54 Liddington New Road, Guildford, GU3 3AH  
**Proposal:** Renewal of permission 18/P/02393 (garden room with bed and shower room, retrospective) as full permission.

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee because the proposed property is co-owned by a member of the council's staff.

#### **Key information**

The proposal site is a two-storey semi-detached property within the Green Belt and outside of any Identified Settlement Boundary area.

Temporary planning permission for the building was granted under 18/P/02393 for a three year period. This application now seeks full, permanent permission for the retention of the building.

#### **Summary of considerations and constraints**

The garden room represents an inappropriate form of development within the Green Belt, by definition. Officers have considered that Very special circumstances (VSC) exist justifying the permanent permission. For this reason the application is considered to be acceptable and is therefore recommended for approval on the basis of a permanent permission subject to a condition limiting it's use to the applicant and family.

### **RECOMMENDATION:**

#### **Approve - subject to the following condition(s) and reason(s) :-**

1. This permission shall be personal to Mr and Mrs Nash and resident dependants and shall not take effect for the benefit of the land. Upon the aforementioned ceasing to use the premises for the use permitted, this permission shall cease and become null and void. All material and equipment bought on to the premises in connection with the use shall be removed.

Reason: In granting this permission the local planning authority has had

regard to the special circumstances of the case.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: DN 001, DN 003, SITE PLAN and LOCATION PLAN received on 29/11/2021.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

#### **Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

#### **Officer's Report**

##### **Site description.**

The location site relates to a two-storey semi-detached property within the Green Belt and outside of any Identified Settlement Boundary area. The plot is characterised by mature vegetation and is well screened from neighbouring properties. The surrounding area is residential; consisting of properties similar in character and design.

##### **Proposal.**

Renewal of permission 18/P/02393 (garden room with bed and shower room, retrospective) as full permission.

##### **Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
18/P/02393	Garden Room with fixed bed and shower room (Retrospective)	Approve 27/03/2019	N/A

02/P/00168	Partial demolition of car port, erection of garage and conversion of existing garage into kitchen/dining room.	Approve 01/03/2002	N/A
GU/R 752/6/72/WOR	Erection of a garage size 20 ft. x 20 ft. 6 ins.	Approve with Conditions 1972	N/A

### **Consultations.**

None received.

### **Third party comments:**

One letter of support has been received.

### **Planning policies.**

#### National Planning Policy Framework (NPPF) 2021:

1. Introduction
2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed places
13. Protecting Green Belt land

#### Guildford Borough Local Plan: Strategy and Sites 2015-2034:

P2	Green Belt
D1	Place Shaping
D2	Climate Change, Sustainable design, construction and energy

#### Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

G1(3)	Protection of amenities enjoyed by occupants of the building
G5	Design Code

#### Supplementary planning documents:

Residential Extensions and Alterations SPD 2018  
Climate Change, Sustainable Design, Construction and Energy 2020

### **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the green belt
- very special circumstances
- the impact on the scale and character of the existing dwelling and the surrounding area
- the impact on neighbouring amenity
- retrospective application
- sustainability

### The principle of development

The application seeks full planning permission for the development which was the subject of temporary permission granted under planning application 18/P/02393 for a garden room with bed and shower room, as full permission. The proposal is treated as a retrospective application as the building already exists.

It should be noted that the original permission was decided prior to the Local Plan (2019), when policy under the Local Plan (2003) treated outbuildings as extensions. This is no longer the case, and therefore it is to be treated as a new building,

The proposed garden room (under planning application 18/P/02393) represented a disproportionate addition over the size of the original dwelling, which represents an inappropriate development within the Green Belt, by definition. Very Special Circumstances (VSC) had been proposed, however, the submitted evidence did not justify permanent permission. Therefore, a temporary permission was granted; allowing the proposal to be reviewed again at the end of three year period.

Whilst the way the outbuilding is treated is different from this application, when compared to the original permission; the outcome is the same - it remains inappropriate development and requires Very Special Circumstances.

### The impact on the green belt

The site is located within the Green Belt. The NPPF identifies that new buildings will be deemed inappropriate unless for specific purposes as set out in paragraph 149.

Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 confirms that Green Belt policy will be applied in line with the NPPF.

The proposed development does not fall within any of the exceptions noted in paragraph 149 of the NPPF 2021 regarding the construction of new buildings within the Green Belt.

Therefore, the proposal is found to represent an inappropriate development in the Green Belt and would fail to accord with policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and with the provisions of paragraph 149 of the NPPF 2021.

### Very special circumstances

The applicant had provided information, under planning application 18/P/02393, relating to the medical condition of a family member which requires consideration and provides support for the need for additional accommodation at the property.

The initial information suggested that it would be more appropriate to provide additional space within the dwelling itself, however, later information clarified that the provision of accommodation in an outbuilding is appropriate. This did carry significant weight in favour of the application; however, it was noted that there was currently some uncertainty over the long term effects therefore officers could not be certain that the development proposed would have been the most appropriate long term solution.

Therefore based on the information, officers did not consider that permanent permission could be justified given that it represented inappropriate development in the Green Belt.

It was suggested that temporary permission be granted for three years, which was considered to reduce the level of harm to the Green Belt, increase the weight of the benefit to the personal circumstances and allow a further application to be made towards the end of the three year permission when it was likely that there will be a clearer understanding of the long term condition which will increase the justification to allow permanent permission to be granted.

The applicant has provided further information, with the current application, relating to the medical condition of a family member which provides evidence of the benefits of the proposed outbuilding to the health of the family member, which carries significant weight in favour of the application. It is also clear that the quantum of development is appropriate to the needs identified and do not go over and above those needs. Therefore based on the information, currently at hand, officers consider that permanent permission could be justified. The matters are specific to the site and the applicant which indicate that they can be considered as very special.

It is also relevant that a proposed outbuilding, due to its size and location, could be build under Class E of the General Permitted Development Order; however, such an outbuilding cannot be constructed for additional living accommodation under the provisions of Class E of the Permitted Development Order. Therefore, any permitted development structure would not offer the same type of accommodation and it's likelihood of being carried out as an alternative is reduced. As such, the weight given to this fall back position is limited.

However, the personal circumstances are considered sufficient to represent very special circumstances to outweigh the harm to the Green Belt. This is specific to the family members and therefore a personal condition is included.

#### The impact on the scale and character of the existing dwelling and the surrounding area

The application seeks permission for a garden room (3.5 metres in width and 7.0 metres in depth), that would include a fixed bed and shower room.

The proposed development, due to its single storey height and subservient width and depth, would be in keeping with the scale of the host dwelling. The proposed flat roof would not have an inappropriate appearance, due to its relatively small scale.

The design of the development would not detract from the character of either the existing property or the surrounding area. The proposed materials would complement those of the existing.

Therefore, the proposed development would comply with policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, policy G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007) and the NPPF 2021.

#### The impact on neighbouring amenity

The neighbouring properties most affected are No.53 Liddington New Road and No.55 Liddington New Road, located on either side of the application site.

The location and size of the building ensures that it would not conflict with the 45 degree guidance in terms of light levels at neighbouring properties and it's positioning also ensures no overbearing

appearance. Therefore, the building would not result in a detrimental loss of light.

There will be a new door on a wall facing No.55 Liddington New road, however, there are no overlooking or loss of privacy concerns resulting from the development, due to the existing vegetation and screening.

The development is therefore considered to comply with saved policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24/09/2007).

### Retrospective application

A ministerial planning policy statement on 31 August 2015 notes that the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. The ministerial statement therefore includes a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

In considering this current application, which seeks to regularise unauthorised development, the local planning authority has given some weight to the fact that the application is retrospective. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a very limited degree. It is also noted that the application was submitted before the expiry of the original three year permission this supports the view that the applicant has not sought to breach planning regulations.

### Sustainability

The submitted information does not include a sustainability questionnaire; however, as the application is for the retention of an approved development which was constructed prior to the adoption of the current sustainability requirements under the previous planning permission. It would therefore not be reasonable to , it is not a requirement in this instance.

### Conclusion

The proposed garden room would result in the creation of a new building within the Green Belt, which represents inappropriate development within the Green Belt, by definition. As set out in the NPPF 2022, the Local Planning Authority should give substantial weight to any harm to the Green Belt.

Material considerations have been put forward setting out how the proposed cabin benefits the health of a family member. For the reasons set out above these matters are considered to outweigh the harm to the Green Belt.

For these reasons the application is considered to be acceptable and recommended for approval on the basis of a permanent permission subject to a personal condition.



