

Appendix 1

1. APP/D3640/W/23/3321866



Appeal Decision

Site visit made on 3 January 2024

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Ref: APP/D3640/W/23/3321866

Oakleigh and Tixley, Hookstone Lane, West End, Woking, Surrey GU24 9QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bean Chapman against the decision of Surrey Heath Borough Council.
 - The application Ref 22/0119/FFU, dated 10 February 2022, was refused by notice dated 10 November 2022.
 - The development proposed is the erection of part one, part two storey rear extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address above is taken from part A of the appeal form and the Council's Decision Notice. This is in the interest of clarity.
3. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). Given the similarities with the previous Framework with regards to Green Belt issues, I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.
4. The appellant has submitted a report¹ providing expert technical analysis of historic photographs. The Council has had opportunity to comment on the report and as such, there is no harm to natural justice in my consideration of this report.

Main Issues

5. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

¹ By Air Photo Services Ltd, dated 29 March 2023

Reasons

Whether Inappropriate Development

6. The appeal relates to a pair of semi-detached properties, under the same ownership. Extensions are proposed to both. The Framework states that the construction of new buildings is to be regarded as inappropriate development subject to the exceptions which are set out in paragraph 154. Part c) of this paragraph lists 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, as one such exception.
7. The parties are agreed that both original properties measure 121.3sqm, excluding outbuildings. In accordance with relevant caselaw, outbuildings can be considered as part of the original dwelling.
8. Aerial photographs dated 1954 and 1956 are provided, however, these are insufficiently clear to substantiate the scale or form of any structure next to Oakleigh.
9. It is stated that it is impossible to reproduce the stereoscopic observations in the submitted report. However, even if I were to accept the conclusions of this report, that a single storey pitched roofed rectangular shaped three-dimensional structure was present at this location at both 1950 and 1956, on face value, the report does not measure the outbuilding. The appellant sets out that a 42sqm figure comes from a 1970 photograph, however again, this photo is not sufficiently clear nor precise to either establish whether an outbuilding was present or to accurately measure the floorspace of the building. I have therefore no substantive evidence of the size of this building, even if one did exist in 1948.
10. Reference is also made to an 18.5sqm garage. The planning permission in 2009² replaced an 'existing' garage sited to the rear of the property. I note that email correspondence suggested that in 2009 it was agreed that the original floorspace ('including the garage that was knocked down') was 150sqm, however this is not substantiated. The Officer report for the 2009 application is clear in setting out the 'original floorspace' of the property at 121.3sqm. No reference is made to the garage being original. As such, there is no substantive evidence before me to suggest that a garage should be included in the original floorspace calculations.
11. Other appeal decisions are referenced by the appellant. In the first instance³ at Crabtree Cottage, the Inspector concluded that the original property floorspace figure is 'very likely greater' than that indicated by the Council's calculations due to the provision of a number of historic maps by the appellant showing a significantly larger footprint. As set out above, I have no comparable evidence before me.
12. In relation to Telvet Cottage⁴, the Inspector set out that the differing figures provided by the appellant and Council both indicated that the floor area and volume the proposed extension would increase the size of the original dwelling by less than 40%. This is not the case for the appeal before me, where in

² Planning application reference 09/0277

³ Appeal reference APP/J0405/D/22/3293954

⁴ Appeal reference APP/C3620/D/18/3200353

relation to Oakleigh, (and in not including the abovementioned outbuildings) the Council measure the existing building as being 94% larger than the original.

13. As set out above, the Framework allows for the extension of a 'building'. This I singular. Nevertheless, both parties have considered the cumulative impact of the proposal spread over both properties. As such, I will do the same.
14. The Council measure the cumulative increase as 47%, which includes the removal of the outbuilding to the rear of Tixley. Even if I accepted the presence of an outbuilding as original and the additions are likely to add up to less than this figure, this would represent a sizable increase. Nevertheless, as set out in both appeals referenced above, proportionality is a matter of planning judgement, not solely dependent on percentage increases.
15. Notwithstanding the disagreements about the outbuildings, Oakleigh has clearly been extensively extended, with a two storey side extension and further single storey side extension which approximately doubles the width of the property. There is also a part two storey rear projection. I also observed on site an outbuilding next to a swimming pool under construction, which appears to be within the curtilage of Oakleigh.
16. The extensive additions are visually dominant and means that the form and proportions of the original modest semi-detached dwelling are not readily apparent. The proposed extension would add massing to the rear elevation, exacerbating the scale of the additions and their overwhelming impact upon the form of the original property. This proposed extension is therefore disproportionate.
17. Moreover, the scale of these extensions and additions has an overwhelming impact on the building as a whole, cumulatively. It is clear therefore that further extensions would also exacerbate the existing substantial increase in the combined size of the dwellings, even with the slight reduction in floor space that is proposed to Tixley.
18. I therefore conclude that the additions proposed would comprise a disproportionate addition in terms of scale and bulk over and above the original size of both Oakleigh and the combined semi-detached unit. The development would result in inappropriate development in the Green Belt, as set out in paragraph 154 of the Framework.

Openness

19. The Framework makes it clear that openness is an essential characteristic of the Green Belt.
20. Given the reduction in footprint set out above and reduction in the spread of development across the site, the extension to Tixley would not harm openness from a visual nor spatial perspective.
21. However, in terms of Oakleigh, whilst the proposal would not increase the footprint of the dwelling it would, given the extension of the roof form, increase the massing and built form of the property at first floor level. Whilst sited within the existing 'U' shaped development, it would be clearly perceptible and more prominent from the rear of Tixley and there would be therefore a visual

impact upon openness in addition to the spatial impact that would result, and openness would be reduced. Modest harm to openness would therefore occur.

Other Considerations

22. It is evident that Tixley has not been substantially extended, and there may be opportunity for further additions to that property that may not be considered disproportionate. However, no details of these theoretical additions are before me, and I cannot give them any weight as fall-back position. Even if there was a mechanism before me to secure it, they therefore cannot be used to offset the size of the proposal to Oakleigh nor the resultant harm to openness.

Other Matters

23. The benefit of improved accommodation in terms of bedroom space and study space, is a private matter and has little weight in favour of the proposal. Any consequential benefit in terms of sustainability is also minor.

24. No additional bedrooms are proposed for either property and therefore the potential benefits of larger homes in releasing the supply of smaller properties is not substantiated. The Council dispute that there is any evidence that there is demand for dedicated student accommodation within the area. Even if there was, I have no mechanism before me to secure this. As such, this does not carry weight in favour of the proposal.

25. The lack of any other identified harm, such as to the character of the wider area or highways, is a neutral matter. Similarly, even if the proposal would not conflict with the five purposes of the Green Belt as set out by the Framework, this is a neutral factor.

Conclusion

26. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. The other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework.

27. For the reasons given above I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR

Appendix 2

2. APP/D3640/W/23/3324102



Appeal Decision

Site visit made on 30 January 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/D3640/W/23/3324102

Chobham Adventure Farm, Bagshot Road, Chobham, Woking, Surrey GU24 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bean Chapman of T. Hilling & Co Limited against the decision of Surrey Heath Borough Council.
 - The application Ref 22/0284/FFU, dated 22 March 2022, was refused by notice dated 14 December 2022.
 - The development proposed is extension to existing reception building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, an enforcement notice relating to, amongst other things, the use of an area of the wider site as a car park was withdrawn. The lawfulness of this and any other development subject to the enforcement notice, are not to be determined as part of this appeal.
3. The main parties were invited to provide comments on the latest National Planning Policy Framework (Framework). Where received, I have taken them into account in my reasoning.

Main Issues

4. The main issues of the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - The effect of the proposed development on highway safety.

Reasons

Whether Inappropriate Development

5. The appeal site is in the Green Belt. The Framework outlines that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
6. One of the exceptions to inappropriate development in the Green Belt is for 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. No definition of disproportionate is given in the Framework. While the Council refer

to a 30% increase providing a general quantitative amount for disproportionate, no policy basis for this is given.

7. Therefore, an assessment is required as to whether the proposal would, when taken in combination with any previous additions to the original building, result in a disproportionate addition in terms of its size.
8. No additional parking is proposed as part of the scheme and I have assessed it as such. Using the Council's figures, the extension would result in a 28.7% increase in volume, 34.97% in footprint and 36.16% in floor space. The proposed extension would be lower in height than, with a roof slope that follows, that of the existing building which already has first floor accommodation and a substantial footprint. Therefore, even taken with any previous additions, the extensions would not result in disproportionate additions over and above the size of the original building.
9. Consequently, the proposal would not be inappropriate development in the Green Belt. As such, there is no requirement to consider the effect of the scheme on openness or the purposes of the Green Belt.
10. Policy DM1 of the Core Strategy¹ relates to the rural economy and does not specifically relate to inappropriate development and therefore is not directly relevant to this main issue.

Highway Safety

11. At the time of my site visit, which I appreciate is only a snapshot in time, there were a number of vehicles in the car park near the entrance. In addition, there were a small number of vehicles to the side of the appeal building where the proposal would be located. My visit was when the business was closing, and it had closed by the time of my visit ending. There was also a steady flow of traffic passing the site and vehicles coming and going from the other businesses sharing the same access.
12. The suggested and current business model does not intend to increase the number of visitors. It seeks to accommodate all of its visitors indoors during wet and peak periods, with customers booking tables and maintaining space between users. In addition, the evidence indicates that the number of visitors has dropped considerably from pre-COVID levels.
13. However, the business model is a choice of the current operator. The operator could change, or the business model could change in the future. The potential capacity and number of visitors at the site could return to previous levels even if this is not expected at present. The proposal would create a large area of additional usable space that could be used at the same time as, and as such, as well as the existing space, considerably increasing its capacity.
14. No specific wording for a condition to prevent this has been put before me to control the operation of the business, existing set up or number of visitors in the manner the scheme suggests. On the submitted evidence, I cannot be sure that a suitably worded condition could be imposed that would meet the relevant tests. Moreover, that such a condition would not be unreasonably onerous or practicably impossible to enforce. No other mechanism to control

¹ Surrey Heath Core Strategy and Development Management Policies 2011-2028

the potential changes is before me. Therefore, the proposed development could lead to a significant number of additional visitors using the site.

15. While some public transport options are available, it is likely that most visitors would come by private vehicle given the distances from Chobham and the relatively narrow footway near the site. I have no detailed information to the contrary. The proposal would lead to the loss of an area that I saw being used for parking. Although there are other areas at the site and it is indicated that the current car parks do not reach capacity, no parking survey is provided. As such, I have little evidence to support the statement on frequency or level of use or what period they related to.
16. Furthermore, the parking areas are not part of the application site and there is no clear information of what their current parking capacity or layout is. Therefore, I cannot be certain that there is capacity for the additional potential visitors and associated vehicles that the proposal could create to park at the site.
17. A lack of parking on site would lead to vehicles queuing to enter and exit the site. In the absence of any information to the contrary regarding traffic movements, this would lead to the flow of traffic being impeded and instances of vehicles associated with the appeal site parking on the road. This would lead to instances of dangerous and obstructive parking such at road junctions or on the relatively narrow footways near the site. This would contribute to highway congestion, further disrupting the flow of traffic and compromise the safety of road users and pedestrians.
18. Therefore, the proposed development would unacceptably harm highway safety. It would fail to accord with Policy DM11 of the adopted Core Strategy where it, in part, states development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted.

Planning Balance

19. The design, appearance and materials of the extension would align with the existing building and would be acceptable. This would be a neutral factor. Even if I were to agree that the proposal would not result in harm to the living conditions of nearby occupiers and users as well as to drainage and ecology, this would not weigh in favour of the scheme. The conduct of the Council is not a matter that affects my findings on the appeal.
20. The Highway Authority did not object to a previous application at the site². Nonetheless, from the details before me, that proposal also included a staff car park that is not part of this appeal. Therefore, it was a materially different proposal. In any event, I have found that harm would result from the appeal scheme. Any benefits from the provision of electric vehicle charging points would be small given the number suggested and there is no indication that their provision could only take place if the appeal were allowed.
21. There would be educational and health benefits associated with the ability for larger groups to have outdoor and out of class learning and there is support from a nearby college. The proposal would create additional and more stable year-round jobs. This, along with spend from visitors would result in associated

² 19/2317/FFU

benefits to local businesses and those in the wider area connected to the operation of the site. Economic development and the rural economy are supported by local and national policy, with the Framework stating that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

22. Notwithstanding this, other local and national policies seek to prevent development that would result in harmful highway safety effects. This includes the Framework where it states development should be refused on highways grounds if there would be an unacceptable impact on highway safety. That would be the case in this instance. On the evidence before me, I give greater weight to this harm than the benefits of the scheme.

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
24. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR