

**Appeal decisions for Area Planning Committee – Central**

Waverley Reference	Site address	Officer Recommendation	Committee or Delegated	Appeal decision	Summary of Inspector's comments
WA/2008/1594	<p><b>Site:</b> Manor Inn, Guildford Road, Godalming</p> <p><b>Development:</b> Car park lighting</p> <p><b>Main Issues:</b> whether the proposed lighting &amp; associated poles constitute inappropriate development in the Green Belt. Effect of the proposal on the openness of the Green Belt &amp; on the character &amp; appearance of the area. The implications of the proposed lighting for the living conditions of the occupiers of neighbouring property at Pushkin Place in terms of disturbance through light intrusion &amp; if the proposal constitutes</p>	Refuse	Delegated	Dismissed 7 <sup>th</sup> July 2009	<p>The appeal is determined on the basis that the poles and lamps are buildings, and they therefore constitute inappropriate development in the Green Belt.</p> <p>The lights would have a limited effect on openness of the Green Belt. They would also cause limited harm to the character and appearance of the area. Nevertheless, did not consider that this harm would be significant enough in itself to warrant refusal of planning permission.</p> <p>The premises operate on a 24/7 basis and the appellants considered that a well lit car park is essential for the safety of customers and hotel guests moving about in it after dark. The lighting is also seen as essential for security and as a deterrent to crime, as the CCTV which has been</p>

	<p>inappropriate development, whether the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development</p>				<p>installed will only work well after dark in association with effective lighting.</p> <p>The considerations did not amount to the very special circumstances which must clearly outweigh the harm by reason of inappropriateness and the additional harm, albeit limited, which would arise from the effect on openness and on the character and appearance of the area.</p>
WA/2008/1373	<p><b>Site:</b> Land at 74 Pullman Lane, Godalming  <b>Development:</b> Erection of detached house with integral garage  <b>Main Issues:</b> The effect of the development on the street scene &amp; character of the area. Effect on a tree the subject of a tree preservation order</p>	Refuse	Delegated	Allowed 13 <sup>th</sup> July 2009	<p>The house would not be out of keeping with the area. It would have a regular shaped plot with a size very comparable to that remaining for the host building and to most other plots in the area.</p> <p>The Inspector considered that the sense of spaciousness within the estate, referred to by the Council, is particularly significant on a site that is enclosed by a brick wall and fence.</p> <p>The development would, in so far as it relates to matters other than trees</p>

					<p>and landscaping, accord with policies D1 (Environmental implications) and D4 (Design and Layout) of the Waverley Borough Local Plan 2002.</p> <p>The development would provide an acceptable balance between the provision of a new dwelling in a sustainable location and a design and layout in keeping with its surroundings and the need to safeguard the tree the subject of a TPO.</p>
WA/2008/1360	<p><b>Site:</b> 9 Park Avenue, Peper Harow, Godalming</p> <p><b>Development:</b> Erection of a cabin for recreational use</p> <p><b>Main Issues:</b> Whether proposal constitutes inappropriate development in the Green Belt. Effect of the proposed development on the openness of the Green Belt. Effect of the</p>	Refuse	Delegated	Dismissed 17 <sup>th</sup> July 2009	<p>The cabin, which has already been erected, represents inappropriate development inside the Green Belt.</p> <p>The proposed development would be inappropriate in the Green Belt;</p> <p>Substantial weight must be attached to the harm to the Green Belt arising from such development. There would be additional harm to the Green Belt from the effects on openness and a Green Belt purpose and to the character and</p>

	<p>proposed development on the character &amp; appearance of the surrounding area. Effect of the proposed development on the living conditions of the occupiers of 8 Park Avenue, with particular reference to privacy &amp; noise &amp; disturbance. Whether the harm by reason of inappropriateness, &amp; any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.</p>				<p>appearance of the surrounding area, an AONB, AGLV and conservation area.</p> <p>There would be no harm to living conditions but none of the other material considerations which might weigh in favour of the development carries any significant weight.</p> <p>For there to be very special circumstances, the combined weight of the other considerations must clearly outweigh the harm from inappropriateness and other harm. As the other considerations do not clearly outweigh the totality of the harm, the very special circumstances to justify the development do not exist.</p>
WA/2008/1891	<p><b>Site:</b> 15 The Croft, Elstead, Godalming  <b>Development:</b> New detached domestic dwelling  <b>Main Issues:</b> Whether the proposal constitutes</p>	Refuse	Delegated	Dismissed 17/07/2009	<p>The existing garage of 15 The Croft would be relocated and the proposed dwelling and attached garage would be sited beyond this, to the side of the existing house. It would stand within</p>

	<p>inappropriate development in the Green Belt. Effect of the proposed development on the openness of the Green Belt. Effect of the proposed development on the character &amp; appearance of the surrounding area. Whether the harm by reason of inappropriateness, &amp; any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development</p>				<p>the existing, fenced curtilage of no. 15 but outside both the RSB and the land on which planning permission (Ref. WA/2004/1583) was granted for the dwellings now at The Croft.</p> <p>Even if the site were within the rural settlement boundary, it would not meet the criterion of Local Plan Policy RD1 of being substantially surrounded by existing buildings.</p> <p>The proposed development would be inappropriate in the Green Belt. There would be additional harm to the Green Belt from the effect on openness and to the character and appearance of the surrounding area, an AONB and AGLV. None of the other material considerations which might weigh in favour of the development carries any significant weight.</p>
WA/2008/2196	<p><b>Site:</b> Land adjacent to Rockwood House, Haslemere Road, Nr.</p>	Refuse	Delegated	Dismissed 20/07/2009	Because of the length and width of the track and its route across an otherwise

	<p>Witley  <b>Development:</b>  Retention of existing track completion of upgrading works  <b>Main Issues:</b> Whether proposal constitutes inappropriate development in the Green Belt. Effect of proposed development on the visual amenities of the Green Belt &amp; the character &amp; appearance of the surrounding area. Whether the harm by reason of inappropriateness. &amp; any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development</p>			<p>undeveloped field, it was considered that a track of the type proposed would conflict with the Green Belt aim of avoiding encroachment.</p> <p>In such close views, the track is or would be seen as a light coloured, hard surface across a field which would intrude into the largely undeveloped landscape character of the countryside. Although, in time, the surface would become weathered and would be encroached by vegetation, it is considered it would remain a conspicuous feature in the local landscape, harming also the visual amenities of the Green Belt.</p> <p>The proposed development would be inappropriate in the Green Belt; substantial weight must be attached to the harm to the Green Belt arising from such development. There would be additional harm to the Green Belt from the effects on its visual amenities and to the character and appearance of the surrounding area, an AONB and AGLV. The other material considerations which</p>
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					might weigh in favour of the development do not carry significant weight.
EN/2009/04	<p><b>Site:</b> Old Mill Farm, Old Portsmouth Road, Thursley</p> <p><b>Development:</b> Breach of planning control being a material change of use of land from agricultural use to a mix of agricultural and residential accommodation.</p> <p><b>Main Issues:</b> Whether the enforcement notice specified with sufficient clarity the alleged breach of planning control.</p>			<p>The enforcement notice was quashed – 16<sup>th</sup> September 2009.</p> <p>Costs against Council awarded - Cost - £5000 (cost to be confirmed)</p>	<p>The notice as drafted identifies the breach of planning control as a material change of use to a mixed use of the site with two component parts comprising residential use and agriculture.</p> <p>Following a site visit both parties agreed that the site comprises a single planning unit in a mixed use with two component parts which are neither functionally nor physically separate. One component of the use is residential; the other might loosely be described as a contractor's yard involving the storage and maintenance of machinery and equipment used.</p> <p>To correct the notice to reflect the actual situation on the land as it was when the notice was issued so that the deemed application can be dealt with on that basis would give rise to injustice to both parties.</p>

				<p>It was concluded that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control. The enforcement notice is invalid and will be quashed.</p> <p>It is, however, a case where the Council failed to properly consider the nature of the use taking place on the site when it drew up the notice. The claim that it was not easy to enter the site is no justification for issuing a defective notice and does not explain why the mixed use described should have included a component (agriculture) which nobody suggested had taken place. The failure to exercise due care in drafting the notice amounts to unreasonable behaviour on the part of the Council. That behaviour resulted in wasted expense for the Appellant in having to pursue an appeal against an enforcement notice which was ultimately found to be incapable of correction, invalid and had to be quashed.</p>
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\* Appeal decisions may be viewed on the website.