

**LOCATION:** HAWK FARM, CHURCH LANE, BISLEY, WOKING, GU24 9EA  
**PROPOSAL:** Retention of two storey rear extension, single storey rear extension to garage and alterations to the garage roof; and, installation of a flue to the main roof at the rear.  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr Simon Howard  
**OFFICER:** Jonathan Partington

**The application would normally be determined under the Council's Scheme of Delegation, however, at the request of Councillor Mansfield it has been called in for determination by the Planning Applications Committee.**

**RECOMMENDATION: GRANT subject to conditions**

## **1.0 SUMMARY**

- 1.1 Hawk Farm (or Hawks Farm) lies in the Green Belt and the dwelling, the subject of the application, was granted planning permission in the 1970s as an agricultural worker dwelling serving a much larger area of land. The overall area of land that the dwelling originally related to has been subdivided and sold off over time. Works lawfully commenced on the dwelling but then ceased for many years and the dwelling was only substantially completed in 2013. To date the dwelling has been unoccupied.
- 1.2 The proposal is for retrospective planning permission for extensions to the dwelling. The report concludes that the totality of the extensions represent disproportionate additions to the dwelling which represents inappropriate and harmful development in the Green Belt. However, it is considered that very special circumstances exist to outweigh the harm due to the fallback position of what could be built under permitted development rights. The application is therefore recommended for approval on the proviso that conditions are imposed to remove future permitted development rights.

## **2.0 SITE DESCRIPTION**

- 2.1 The site lies within the Green Belt and is located on the northern side of Church Lane outside of the settlement of Bisley. The overall area of land comprises approximately 5 hectares and was originally part of a horticultural nursery (Daydawn) which comprised a significantly larger area of land.
- 2.2 The application site area, and defined residential curtilage, is located in the south east corner of the land i.e. adjacent to the neighbouring semi-detached dwelling Crofters. The dwelling is a two-storey detached building with single storey side additions and a two storey rear extension. The dwelling has its own gated access

and off street parking. There are trees on the site protected by TPOs. There is a clear demarcation of this residential curtilage from the rest of the land, under the applicant's ownership. On this land outside of the curtilage there is an open sided barn, horse grazing and an unauthorised mobile home which is to be removed.

### 3.0 RELEVANT HISTORY

- 3.1 BGR 8745 Outline planning application for the erection of a dwelling and garage.

*Refused July 1973 but subsequent appeal allowed May 1974. Condition 3 of this permission restricted the occupation of the dwelling to agricultural workers but this consent did not remove permitted development rights.*

- 3.2 SU/77/0405 Detailed application (pursuant to outline permission above) for the erection of a dwelling and garage.

*Refused permission in October 1977 and subsequently allowed at appeal in November 1979. This consent did not remove permitted development rights.*

- 3.3 SU10/0987 Certificate of Lawful Proposed Development for the erection of a part two storey, part single storey rear extension, conversion of garage into habitable accommodation and alterations to roof over the single storey element to a dwelling granted planning permission (under the outline and detailed permissions set out above) to which construction has started but not completed.

*Split decision issued in April 2011. It was agreed that the concrete slab laid many years previous amounted to the lawful implementation of the 1979 approval and as such this permission remained extant. Adding extensions during the course of the build was not, however, permitted development.*

- 3.4 SU/11/0731 Erection of a two storey dwelling with parking and access.

*Refused permission June 2012 on Green Belt grounds. This application established the size of the original approved dwelling as 216 sq m and according to the submitted plans proposed a dwelling with a floor area of 382 sq m (or 77% larger than the original approved dwelling).*

- 3.5 SU/14/1000 Removal of agricultural occupancy condition.

*Decision pending.*

- 3.6 SU/15/0523 Certificate of Lawful Development for the retention of a single storey side and two storey rear extension and roof alterations undertaken as permitted development; to demonstrate that these were erected after the dwelling was approved under SU/77/0405 (as amended by NMA 77/0405/1) was substantially complete

*Split decision. Certificate issued on the basis that on the balance of probabilities the dwelling house was substantially completed prior to the extension works; and, because the single storey side extension as built constitutes permitted development.*

*However, the remainder of the application was refused as the alterations to the garage roof, single storey rear extension to garage and the two storey rear extension are not permitted development.*

- 3.7 SU/77/0405/3 Non Material Amendment to planning permission SU/77/0405 to allow the repositioning of windows, altered location for the front door and canopy

*This application is considered elsewhere on this agenda.*

- 3.8 SU/15/1101 Certificate of Proposed Lawful Development for proposed alterations to the roof of the existing garage/utility building to bring the cubic roof volume of the two storey and single storey rear extension and alterations to the garage roof within the tolerances of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015.

*Certificate issued.*

## **4.0 THE PROPOSAL**

- 4.1 The proposal is for retrospective planning permission for the retention of the two storey rear extension, single storey rear extension to garage and alterations to the garage roof to the four bed dwelling.
- 4.2 The two storey rear extension has created an enlarged lounge and dining area on the ground floor and enlarged two bedrooms and bathroom on the first floor. This extension extends out by a depth of approximately 3 metres and has a width of approximately 11 metres. The roof of this extension is double hipped with a central valley and has a height of approximately 7.6 metres (i.e. some 60 cm lower than the main ridge height of the original dwelling).
- 4.3 The single storey rear extension to the garage has provided an enlarged utility room area extending out with a depth of approximately 3 metres and width 3 metres. This extension's roof links up with further roof alterations to the rear of the main garage with a maximum height of approximately 4 metres.
- 4.4 The proposal also includes a flue to the roof of the main roof at the rear. The flue requires planning permission because it exceeds the height of the dwelling's main ridge height.

## 5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Council Highways No objection subject to conditions.
- 5.2 Bisley Parish Council Objects and wishes the agricultural tie to remain in place for this Green Belt development.
- [Officer comment: Retention of the agricultural occupancy condition is being considered under application 14/1000]*

## 6.0 REPRESENTATIONS

- 6.1 At the time of writing the report 2 letters of objection had been received summarised below, including a letter from Bisley Residents' Association:
- Impact on neighbouring amenities;  
*[Officer comment: See paragraph 7.4 below]*
  - Dwelling should not even be in existence as majority was built after it was known it was not required for agricultural worker purpose;  
*[Officer comment: The dwelling substantially completed is lawful, see paragraph 3.6 above]*
  - Green Belt policy has not weakened and applicant is trying to manipulate the planning process with a string of planning applications with the aim of establishing market housing;  
*[Officer comment: Retention of the agricultural occupancy condition is being considered under 14/1000]*
  - Extensions or changes to the original plans should not be granted, unless it makes no difference to the openness of the Green Belt and is not out of keeping with the area.

## 7.0 PLANNING CONSIDERATION

- 7.1 The National Planning Policy Framework (NPPF) and Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP) are of most relevance to this case. The main issues to consider include:
- Green Belt harm;
  - Impact upon the character of the area;
  - Impact on residential amenities; and,
  - Very special circumstances.

## **7.2 Green Belt harm**

7.2.1 Paragraph 89 of the NPPF states that the construction of new buildings is inappropriate development in the Green Belt but lists exceptions including 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.

7.2.2 The following table shows the size of the original dwelling and extensions as built:

	Floor area (m <sup>2</sup> )	Percentage increase
Original dwelling & garage	216	-
Family room side extension	46	21%
Rear extension to garage	9	4%
2 storey rear extension	68	31%
TOTAL	339	56%

7.2.3 Given the cumulative size of the extensions it can only be concluded that this has resulted in disproportionate additions that constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. It is also considered that these extensions, by virtue of their combined volume and spreading development to cause additional harm to the openness of the Green Belt.

## **7.3 Impact on character of the area**

7.3.1 Aside from the impact upon the Green Belt, this site is within a semi-rural location. Along Church Lane there is a mix of architecture and size of dwellings and the largest of the extensions, the two storey rear extension, is not readily visible from the street scene. It is therefore considered that the extensions' design have no adverse impact on the character of the area. The extensions therefore comply with Policy DM9 of the CSDMP.

## **7.4 Impact on residential amenities**

7.4.1 The closest neighbour most affected by the extensions is Crofters, the adjacent dwelling to the south east. However, there is a separation distance of in excess of 8 metres from the flank elevation of the garage rear extension to the neighbour's side boundary; and, a separation distance of approximately 14 metres from the flank wall of the two storey rear extension. In addition, these extensions have no facing side elevation windows. As such the extensions are considered to cause no adverse loss of privacy, overbearing or overshadowing effects.

7.4.2 It is considered that all other neighbouring properties are a sufficient distance away from the extensions and there is no adverse harm to any neighbouring amenities. As such the extensions do not conflict with Policy DM9 (iii) of the CSDMP.

## **7.5 Very Special Circumstances**

- 7.5.1 Given the Green Belt harm identified above it is necessary to consider whether very special circumstances exist to outweigh the harm (paragraphs 87 and 88 of the NPPF). The applicant argues that very special circumstances exist for the following summarised reasons:
1. Similar sized extensions could be built under permitted development and this constitutes a realistic fallback position. There is no material difference in the impact upon Green Belt openness between this proposal and the LDC application 15/1101;
  2. Furthermore, in design terms this proposal is preferable to what can be done under 15/1101; and,
  3. Granting permission will enable the Council to restrict future extensions which could currently otherwise be undertaken without planning permission. For example, a single storey side extension to the garage.
- 7.5.2 In respect of argument 1 it is clear that the only difference between what can be lawfully done under the granted certificate and what is currently on site is the infilling of the roof volume between the rear extension to the garage and roof over the garage; and, a gable end rather than hipped roof to the roof over the garage. It is considered that these differences in volume and associated impact upon the openness of the Green Belt are not significant and so in the Officer's opinion this argument does weigh in favour of the applicant.
- 7.5.3 In design terms, argument 2 above, a roof valley (i.e. between the two garage hipped roofs) is not always desirable but in the officer's opinion there is little difference in the appearance of what could be lawfully done under permitted development. Neither design would be visible from the street scene (being obscured by the front elevation pitch of the garage), and for this reason no weight is given to this argument.
- 7.5.4 Argument 3 does, with this particular case, hold significant weight. However, in the officer's opinion the restrictions would only be of tangible benefit to the openness of the Green Belt if not only Class A (extensions to the dwelling) permitted development rights were removed but also Class E (outbuildings etc.) rights. Importantly this would enable the Planning Authority to have greater control over future development on the site. Given the aforementioned complex planning history of this site, in the officer's opinion removal of this extent of PD rights would be necessary, reasonable and a proportionate response. As such this action would be in accordance with the condition tests set out in paragraph 206 of the NPPF.
- 7.5.5 In short, in the officer's opinion arguments 1 and 3 carry weight in favour of the proposal which in combination amount to outweigh the harm to the Green Belt to constitute very special circumstances.

## **7.6 Other matters**

- 7.6.1 The extensions are Community Infrastructure Levy (CIL) liable as the extensions are over 100 m<sup>2</sup> GIA and CIL liability arises at the time at which planning permission first permits development.
- 7.6.2 The addition of the flue to the rear elevation is a minor addition. Whilst it would be visible above the main ridge it is considered to have no adverse impact on the appearance of the dwelling, the character of the area or residential amenities.

## **8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have communicated with the applicant through the process to advise progress, timescale or recommendation.

## **9.0 CONCLUSION**

- 9.1 The extensions are disproportionate additions to the original dwelling and therefore represent inappropriate and harmful development in the Green Belt, which by virtue of their combined size and spread of development also harms the openness of the Green Belt. It is considered, however, that the fallback position of what could otherwise be done under permitted development, and the additional benefit of removing permitted development rights, outweighs the identified harm to represent very special circumstances. The application is therefore recommended for approval.

## **RECOMMENDATION**

GRANT subject to the following conditions:-

1. There shall be no variation from the following approved plans: 574-P-16-1,2,3 and 4, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

2. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) no extensions or outbuildings shall be erected without the prior approval in writing of the Planning Authority. For the avoidance of doubt the established residential curtilage is as shown on drawing no. 574-P-16-4.

Reason: To retain control in the interests of the Green Belt and to comply with the National Planning Policy Framework 2012.

#### Informative(s)

1. The development hereby permitted is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended).

In accordance with CIL Regulation 65, the Council will issue a Liability Notice in respect of chargeable development referred to in this decision as soon as practicable after the day on which this decision first permits development. The Liability Notice will confirm the chargeable amount calculated by the Council in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted Surrey Heath Charging Schedule. Please note that the chargeable amount is a local land charge.

Further details on the Council's CIL process including the assuming, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Council's website.