

Appeal Decision

Site visit made on 20 September 2016

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th October 2016

Appeal Ref: APP/C3620/W/16/3152540

The Warren, Oxshott Road, Leatherhead, Surrey KT22 0EN

- 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 M Al-Khudairy against the decision of Mole Valley District Council.
 - The application Ref MO/2015/1993/PLA, dated 4 December 2015, was refused by notice dated 4 February 2016.
 - The development proposed is 'new build 4 bedroom bungalow (single storey) in garden adjacent to 'The Warren', Oxshott Road, Leatherhead, KT22 0EN'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the determination of this appeal are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) Whether the scheme would be sustainable development with particular regard to the site's location;
 - iv) The effect of the proposal on the character and appearance of the area;
 - v) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the proposal?
3. Subsequent to its decision notice, the Council has confirmed that there is no longer an affordable housing requirement for this scheme. This is consistent with the updated Planning Practice Guidance on obligations for small scale development and I therefore have given this no further consideration.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. The proposal for a new dwelling does not fall into the lists of exceptions set out in paragraphs 89 or 90 of the National Planning Policy Framework (the
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Framework) and is therefore inappropriate development in the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt and that proposals should not be approved except in very special circumstances where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Openness

5. Openness is an essential characteristic of the Green Belt. The existing appeal site is free of significant buildings. The proposed dwelling, whilst single storey, would be of a substantial footprint and size. It would extend the existing line of development formed by the existing row of houses and would significantly reduce the openness of the Green Belt in this location. It would also be apparent when viewed from the road serving the dwellings and glimpses of its roof would be possible, over the existing boundary fence, from the adjacent footpath. I attach substantial weight to the resulting harm to the Green Belt.

Location of development

6. The Council's officer report for the current proposal and the previous appeal decision¹ in 2014 for a new dwelling at the site draw attention to the location of the site outside of a designated settlement boundary and at the lower end of the hierarchy for new development, thereby not being a sustainable location for new housing and contrary to the aims of policy CS1 of the Mole Valley Core Strategy in this respect. I am satisfied that the sustainability objectives of this policy are generally similar to those of the Framework. Whilst I note the distance of the site from some local facilities, including a supermarket, and the proximity of bus stops, the site is clearly separate from the main built-up area. Although some journeys could be made by alternative means of transport, I concur with the previous Inspector that the occupiers of the new dwelling would be likely to rely heavily on the private car for many aspects of day to day living. Whilst the proposal would be located within the garden of the existing dwelling, the site's location and accessibility weigh against the sustainability credentials of the proposal, contrary to the relevant sustainability aims of policy CS1 of the Core Strategy.

Character and appearance

7. I note the concerns of the Inspector in determining the previous appeal at this site for a two storey dwelling. Whilst he considered the new dwelling to be in keeping with the scale and character of the other dwellings in the road, notwithstanding this he expressed concern regarding the intrusion of the development *into the pleasant aspect currently facilitated by the absence of buildings on the appeal site*.
8. Whilst the Council's Officer report states that the development now proposed would not be out of keeping with the style and character of the existing housing in the area and would not be cramped in appearance, its reason for refusal mirrors the previous Inspector's concern that it would comprise an undesirable intrusion of residential development into this pleasant rural area which would be detrimental to the character and appearance of the area.

¹ APP/C3620/A/14/2215168

9. The current proposal is single storey and its frontage broadly aligns with the existing adjacent house, in comparison to the previous appeal proposal which was two storey and projected beyond the building line. Therefore, whilst extending the row of buildings in this location, it would be much less visually intrusive in the surrounding landscape than the previous proposal. Notwithstanding the harm I have identified with regard to the openness of the Green Belt above, I find only limited harm therefore in relation to the relevant provisions of the Framework and policy CS1 of the Mole Valley Core Strategy with regard to the impact upon character and appearance.

Other Considerations

10. The appellant draws attention to and provides details of a Certificate of Lawful Proposed Development which was granted by the Council in 2015 for an outbuilding. The outbuilding is proposed in a similar position to the appeal dwelling and it is of a slightly larger footprint and massing. I noted at my site visit that, albeit limited, work has commenced on part of its foundations for which evidence of a Building Notice has been provided within the evidence. I am satisfied that, should the appeal proposal not succeed there would be a more than theoretical possibility of this building being constructed. The fallback position is therefore a material consideration.
11. If it were to be constructed, the outbuilding would not be considerably larger than the proposed dwelling and therefore the impact upon the openness of the Green Belt would be broadly similar. I am mindful that, whilst limited works have taken place on its commencement, there is no guarantee that the outbuilding would be completed as the application for a new dwellinghouse indicates that the appellant's intentions for the site appear to have changed. In these circumstances, bearing in mind the significant harm that would result from the inappropriate development of one new dwelling within the Green Belt, I consider that moderate weight should be given to the fallback position.
12. The appellant draws attention to the previous existence of a dwelling on the appeal site, the footings of which appeared to be evident at my site visit. However, this former dwelling was demolished a considerable period of time ago to allow the construction of the M25 which resulted in a significant and permanent change to the landscape. I therefore give this only minimal weight.
13. There is disagreement between the parties as to whether the Council is able to demonstrate a five year housing supply. The appeal decisions referenced by the appellant in this respect are now two years old though the appellant has also provided more up to date information regarding the recent under delivery of housing in the District. Whilst it does appear that the Council has had some difficulty in recent years meeting housing demand in the existing built-up areas, from the evidence provided it is not possible for me to come to a firm view on whether or not there currently is a five year supply of deliverable housing sites. Nevertheless, whilst the Framework seeks to boost the supply of housing, the contribution made by this proposal to the local housing supply of one dwelling would only be a modest one. I therefore attach moderate weight to the modest contribution that would be made by this proposal to the supply of housing in the District.

14. Policy CS1 is generally consistent with the Framework in respect of its aims to achieve sustainable development and protect the Green Belt. I have therefore given it considerable weight.

Planning Balance and Conclusion

15. The proposed dwelling would represent inappropriate development in the Green Belt that would significantly harm the openness of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. Whilst the evidence on housing need is inconclusive, I note that the Government's Planning Practice Guidance states that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development within the Green Belt.
16. I have given careful consideration to the other considerations in favour of the proposals including the fallback position of the lawful outbuilding and the modest contribution to the local housing supply. However, I find that such considerations, either individually or cumulatively, do not clearly outweigh the harm to the Green Belt along with the harm arising from the unsustainable location of the development. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
17. The proposal development is therefore contrary to the Green Belt aims of policy CS1 of the Mole Valley Core Strategy and the Framework. Even should the Council not have a five year supply of deliverable housing sites, which has not been proven in this case, I consider that the harm resulting would clearly and demonstrably outweigh the benefits. The proposal would not amount to sustainable development for which the Framework indicates there should be a presumption in favour. From the evidence before me, I find that the proposal would not accord with the development plan read as a whole.
18. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR