

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: 1st November 2016

Appeal Ref: APP/C3620/W/3149589

Redlands House, 62 The Street, Capel, Surrey RH5 5LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J Kerr against Mole Valley District Council.
 - The application Ref MO/2015/2010, is dated 10 December 2015.
 - The development proposed is the erection of four no. detached 5-bed dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. Taking into account the Council's appeal statement which sets out its objections to the proposal had it been able to issue a decision, along with the representations received from interested parties, I consider the main issues in the determination of the appeal to be:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) The effect of the development on the openness of the Green Belt;
 - iii) The effect of the proposal upon the character and appearance of the area and the setting of the Conservation Area;
 - iv) The effect of the proposed development on the living conditions of the occupiers of neighbouring properties;
 - v) Whether the proposal would meet an identified balanced housing need in the locality;
 - vi) In the event of the proposal being inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
-

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. I am satisfied that the proposal does not fall into the lists of exceptions set out in paragraphs 89 or 90 of the National Planning Policy Framework (the Framework). It would therefore represent inappropriate development in the Green Belt.
4. The Framework makes clear that the Government attaches great importance to Green Belts and that their fundamental aim is to prevent urban sprawl by keeping the land permanently open, safeguarding the countryside from encroachment and that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

5. Openness is an essential characteristic of the Green Belt. Although the appeal site contains existing buildings and is partially screened, it is predominantly open. The proposed residential development including four substantially sized houses would significantly increase the built footprint and massing on the site, reducing the openness of the Green Belt. I attach substantial weight to the resulting harm to the Green Belt.

Character and appearance, and the setting of the Conservation Area

6. Policies CS1 and CS2 of the Mole Valley Core Strategy 2009 seek to generally locate development within the existing settlement boundaries. Other than part of the access driveway, the proposed development would be located outside of Capel's settlement boundary. The main parties disagree on whether the site forms part of the curtilage of No. 62. However, even should it be considered to be located within the curtilage of No. 62, its size and prevailing openness makes a substantial contribution to the rural and countryside character of the area in the vicinity of the site. I will deal with matters of a possible fallback position later in my decision.
7. Despite some more contemporary developments that have taken place in the village, the existing pattern of development on the west side of The Street within the vicinity of the site is largely linear in form. In respect of settlements such as the village of Capel, the Mole Valley Local Plan Landscape Supplementary Planning Document (July 2013) *notes that the relationship with the landscape is reinforced by fields which punctuate built up frontages and allow views outward into the neighbouring countryside.*
8. The Mole Valley Local Development Framework Larger Rural Villages Character Appraisal Supplementary Planning Document (July 2013) notes that, whilst there is a small amount of infill, most of The Street is linear in form with little development in depth behind the road frontages. It also recognises that views between properties towards the surrounding countryside are an important characteristic.
9. The proposed development would form a line of dwellings located to the rear of existing dwellings fronting The Street and would not be in keeping with the prevailing pattern of development. Whilst the appeal site is linked with the existing dwelling at 62 The Street and contains existing buildings, it is largely open and is viewed in association with the adjoining farmland, contributing

positively to the rural character of the area and providing an attractive setting for the dwellings fronting The Street which are located within the Conservation Area.

10. The proposed dwellings would be of a substantial size and height. Whilst the gaps are limited between the adjacent properties (52-60 The Street), glimpses of the dwellings would be apparent in views from The Street and they would also be prominent when viewed from the rear of the adjacent dwellings and from the public footpath on farmland adjacent to the site. The combined massing of the proposed development, with four substantially sized dwellings located in a row would exacerbate the impact of the appeal proposal upon the character and appearance of the area. I do not consider that either the spacing of the proposed buildings or the existing screening is such to significantly negate this impact. Whilst there are existing buildings on the site, these are relatively unobtrusive and do not have any significant impact on the existing setting of the Conservation Area or the general rural character of the area. In contrast, the appeal proposal would introduce a substantially more intrusive and intensive form of built development.
11. Given there are, albeit limited, views of the site from the Conservation Area, the proposed development would also be detrimental to its setting taking account of the importance of its rural surrounds and predominantly linear form. In the context of the Framework, this harm would be *less than substantial* harm to the significance of the designated heritage asset affected. I must attach considerable importance and weight to that harm.
12. My attention has been drawn to other residential developments which the appellant argues set precedents for the appeal proposal. Nevertheless, such developments appear to pre-date current planning policy and I am not aware of the particular circumstances of their approval. I have therefore given them only limited weight.
13. The proposed development would result in unacceptable harm to the character and appearance of the area, and the setting of the Conservation Area. It would be contrary to the design, heritage and rural protection aims of saved policies ENV22, ENV23 and ENV39 of the Mole Valley Local Plan 2000 and policies CS1, CS2, CS13 and CS14 of the Mole Valley Core Strategy 2009.

Neighbouring Living Conditions

14. The location of the access driveway to the proposed development would be likely to lead to noise from passing vehicles being audible at neighbouring dwellinghouses (60, 62 and 64 The Street). However, taking account of the likely limited speed of passing vehicles, and the limited amount of vehicle movements that I consider would be generated from the four proposed dwellings, I am not persuaded that unacceptable noise impacts would result.
15. Some glare from headlights would also be likely, particularly for No.62. However, the driveway would angle away from the front elevation of No.62 and, taking account of the limited amount of likely vehicle movements, I do not consider that the glare from headlights would be so great to result in any significant harm to the living conditions of the occupiers. Though not shown in the application details, I anticipate that any new street lighting along the driveway could be designed to limit its impact on adjacent residents.

16. Whilst the dwellinghouses at Nos. 54, 56 and 58 The Street would back on to the site and they currently enjoy a quiet existing noise environment at the rear, I do not consider that the intensity of activity arising from the proposed development would be so significant as to lead to any unacceptable noise impacts upon the occupiers of these properties.
17. I am also satisfied that the separation distances between the proposed dwellings and neighbouring properties would be sufficient to prevent any unreasonable overlooking between the proposed and existing properties.
18. I therefore find no conflict with the relevant amenity aims of policies CS14 of the Mole Valley Core Strategy 2009 and ENV22 of the Mole Valley Local Plan 2000.

Balanced Housing Need

19. Policy CS3 of the Core Strategy seeks to provide a balanced housing market, including the particular provision of two and three bedroom dwellings. The Council refers to the evidence base for the Core Strategy though I note that this dates back to 2007 and I have not been provided with more up to date information on this matter including housing completions since 2007 and the current housing needs within the District. Mindful of the Framework's aim to boost significantly the supply of housing and the modest number of dwellings proposed in this instance, from the information before me I find no significant harm in relation to balanced housing need.

Other considerations

20. The location of the development is within walking distance of the village centre and its facilities as well as being served by local bus routes. Therefore, for a rural location, it benefits from reasonably good accessibility, to which I have given significant weight.
21. Although noting the Council's statement that it can demonstrate a more than five year supply of housing, the proposal would make a modest contribution to the supply of housing to which I give considerable weight taking account of the Framework's aim to boost the supply of housing. I do not however, give any significant weight to the appellant's assertion that the site is a rare and valuable resource, given the concerns I have identified earlier in this decision.
22. The appellant argues that the land is already residential and so much of it could be developed to the extent now proposed through permitted development rights. There is no detailed indication before me as to how and why the site might be developed under permitted development rights. As I referred to earlier in my decision, there is disagreement between the main parties as to whether or not the appeal site is within the residential curtilage of 62 The Street. Nevertheless, even should it be deemed to be within the residential curtilage (in which case the fallback position would be a material consideration) I consider it unlikely that buildings would be erected that would have as significant an impact on the openness of the Green Belt as the appeal proposals for four substantially sized dwellinghouses. I have therefore given the potential fallback position only minimal weight.
23. The appellant states that the proposal seeks to be *carefully and modestly scaled so as to read where visible wholly against and part of the established visual context of the village*. Nevertheless, I have found it to result in the harm

set out earlier in this decision, including to the openness of the Green Belt along with the character and appearance of the area. I have therefore given little weight to this consideration.

24. Whilst there are other contemporary developments on this side of The Street, they are located within the existing built settlement and have been considered by the Council to represent limited infilling. I do not find such factors to support the appeal proposal and therefore have given minimal weight to these other developments.
25. I have given only moderate weight to the Chancellor's 2015 announcement in this instance, given that planning policy and guidance have not been yet amended to reflect this and, notwithstanding my findings regarding a balanced housing need, taking account of the Council's argument that there is no particular need for new five bedroom dwellinghouses in the village. It also appears unlikely that the Council would allocate this site for housing at this time given the concerns it has identified with regard to this proposal.
26. The appellant argues that the development would respect the six purposes of the Green Belt. However, I consider that it would unacceptably extend the existing village settlement including the substantial development of predominantly open land which contributes to the rural character of the area.

Other Matters

27. The appellant has submitted a drawing showing visibility splays within the red edge application site boundary, following concerns raised by the Highway Authority. The visibility splays shown would be adequate for the proposed development, though the Highway Authority and Council remain concerned due to the uncertainty of the ownership of part of the splays, leading to a lack of certainty that the required visibility splays would be provided and maintained in perpetuity. However, given the harm I have identified in relation to other issues, my decision does not turn on this matter and I therefore do not need to give any further consideration to the matter of whether a condition requiring the provision and maintenance of the visibility splays would meet the relevant tests in this instance.
28. I note that a Neighbourhood Plan is being prepared for the local area. From the information before me, I understand that the appeal site is not being positively considered for residential development within the emerging plan and the appellant does not refer to it within the evidence. As the plan is still in the preparation stage and therefore carries limited weight, it has not had a significant bearing on the outcome of this appeal.
29. The appellant's statement states that a Unilateral Undertaking has been submitted to the Council. I have not been provided with a copy, or any other details of its content, and the Council has subsequently confirmed that the proposal does not trigger an affordable housing requirement, which accords with the recently amended Planning Practice Guidance. I have therefore not given any weight to this matter in my decision.
30. The appellant has expressed concern about the engagement and co-operation of the Council in respect of the application. However, this is a procedural matter which if necessary should be raised with the Council away from this

appeal. It has had no bearing on my consideration of the main planning merits of the proposed development.

Planning Balance and Conclusion

31. The proposed development 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.
32. The proposed development would also result in unacceptable harm to the character and appearance of the area. In addition, it would be harmful to the setting of the Conservation Area which, in the context of the Framework, would be less than substantial. I must however, attach considerable importance and weight to that harm which I do not consider would be outweighed by the public benefits.
33. I have given careful consideration to the arguments in favour of the proposal including the contribution it would make to the local housing supply, and the location of the development within walking distance of the village facilities and local bus routes. However, I find that all such considerations, either individually or cumulatively, do not clearly outweigh the harm to the Green Belt, and the other harm I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
34. The proposal development is therefore contrary to the Green Belt aims of policy CS1 of the Mole Valley Core Strategy and the Framework (in addition to the other policy breaches referred to previously in my decision). The proposal would not amount to sustainable development for which the Framework indicates there should be a presumption in favour. I find that the proposal would not accord with the development plan read as a whole.
35. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR