
Appeal Decision

Site visit made on 24 October 2016

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 2ND November 2016

Appeal Ref: APP/C3620/W/16/3156208

Barn North of 3 Brittleware Cottages, Norwood Hill Road, Charlwood, Horley RH6 0EB

- 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 Steve Brooks against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0887/PLA, dated 31 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is erection of 1 new build dwelling; in the alternative to permission granted under MO/2014/1338 Change of Use of an agricultural building to 1 No dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal form and the Council's decision notice also included the town of 'Horley' in the site address. I have therefore included this additional description of the address in this decision for the sake of clarity.

Main Issue

3. The main issue is the effect of the proposed development in relation to the Green Belt as follows:
 - Whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - Its effect on the openness of the Green Belt;
 - Its effect on the character and appearance of the countryside;
 - If the development is inappropriate, 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.
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Reasons

4. The appeal site lies within the Metropolitan Green Belt. It is currently occupied by an agricultural barn and includes some land around the building and an existing access onto Norwood Hill Road. Prior approval was granted in 2014 to convert the barn into a single dwelling, Ref: MO/2014/1338. At the time of my site visit the building was empty and the approved works had not been implemented. I accept that that the conversion could be carried out and this represents the appellant's fallback position. I have had regard to this in my determination of the appeal.

Whether the proposal would be inappropriate development in the Green Belt

5. The Government's approach to Green Belts is set out in the Section 9 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. The Framework also sets out a limited number of exceptions, one of which is the partial or complete redevelopment of previously developed sites (brownfield land). However, any development considered to be such an exception also has to comply with other criteria in relation to the Green Belt.
6. The appellant contends that the site is one of the exceptions set out in Paragraph 89, as there is an extant permission for the conversion of the barn to a residential dwelling. However, even though this is the appellant's fallback position, as the works have not been implemented the barn can only be considered to be either redundant or in agricultural use. Annex 2 of the Framework provides a definition of previously developed land. It specifically excludes land that is or has been occupied by agricultural or forestry buildings. The appeal site is therefore not one of the exceptions listed in relation to development in the Green Belt identified in paragraph 89 of the Framework.
7. For this reason I conclude that the proposal would be inappropriate development that would conflict with national policy to protect the Green Belt. This is a matter to which I attach substantial weight. It would also be contrary to Policy CS1 of the Mole Valley Core Strategy, which seeks to restrict development in the countryside having regard to the provisions of national policy set out in PPG2: *Green Belts*. This policy is therefore broadly consistent with the Framework which replaced PPG2, whilst recognising that existing Green Belt boundaries may need to be reviewed to provide for local development needs throughout the plan period.

The effect of the proposal on the openness of the Green Belt

8. Paragraph 79 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development. The proposal would not increase the footprint of development on the site. The dwelling would be similar in height, scale and volume to that of the existing barn. There would be a small reduction in the volume of the building arising from the sub-division of the roof into two separate sections. However, this would be a marginal change to the overall scale and quantity of development on the site.

9. I note that the appellant would be willing to work with the Council on a landscaping scheme that would replace areas of hard standing with tree and shrub planting as part of the garden to serve the dwelling. However, even if new landscaping replaced hard surfacing, the creation of a garden would be part of the overall development. The use of garden and any parking area would be likely to result in the introduction of domestic paraphernalia into the area around the dwelling, rather than restoring the land open and undeveloped countryside. The proposal's overall effect on the openness of the Green Belt would therefore be neutral.
10. I conclude that the proposal would not be materially harmful to the openness of the Green Belt and in this respect it would comply with national and local policy. However, the absence of harm is not a positive factor in favour of the scheme.

Character and appearance

11. The existing barn is screened from the road by mature vegetation and trees. However, to the rear the site backs onto an area of open countryside characterised by flat fields and paddocks. The appeal scheme would replace the barn with a dwelling that would be significantly larger than any of the surrounding houses. This would be out of keeping with the surrounding rural landscape, which is characterised by scattered farm and agricultural buildings and modestly sized, traditional cottages.
12. The dwelling would be a contemporary design incorporating extensive areas of glazing. This would include two sets of patio windows on the north-eastern elevation and floor to roof level glazing on the south-eastern elevation. A further section of glazing would effectively divide the building into two discrete parts. This excessive amount of glazing combined with the overall bulk and scale of the building would make the dwelling appear both prominent and incongruous in this rural setting. It would therefore not represent good design that respects its setting.
13. I accept that the scheme is a modification of that for which prior approval has been permitted. However, although its scale would be similar, the prior approval only allowed a limited number of windows and required the building to be clad in timber. It would therefore retain features typical of the type of agricultural building that can be found in a rural area. The current scheme would have fundamentally different consequences. Rather than appearing to be a converted barn, which is a form of development that could be expected to be seen in this kind of location, it would be a large modern dwelling that would be prominent in the landscape whilst having no functional relationship with the surrounding rural activities. I therefore consider that the loss of the existing barn and its replacement with the appeal proposal would be more harmful to the character and appearance of the area than the extant scheme.
14. I conclude that the proposed development would be harmful to the character and appearance of the countryside. It would therefore conflict with saved Policies ENV22 and ENV23 of the Mole Valley Local Plan, which require development to respect its setting and the constraints of the site in terms of its scale, form and appearance. I do not consider there would be any significant conflict with Policy CS14 of the Core Strategy as this policy is primarily concerned with townscape and urban design, rather than development in the countryside.

Other considerations

15. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework states that planning permission for development should be granted where relevant policies in the development plan are out-of-date, unless specific policies in the Framework indicate that development should be restricted. Land designated as Green Belt is listed in Footnote 9 of Paragraph 14 as one of the areas where development should be restricted. Therefore, regardless of whether or not the Council's policies for the supply of housing land are up-to-date, the Green Belt is not an area where housing development would normally be permitted. In any event as the scheme is for a single dwelling and the fallback scheme would also provide a single dwelling, the proposal would not make an additional contribution to any shortfall in housing land supply. This issue therefore carries little weight in my consideration of the appeal proposal.
16. The appellant has referred me to the approach of other local planning authorities in respect of the rebuilding of agricultural buildings. However, these are not relevant to this appeal, which I am required to assess having regard to the site's location in the Green Belt, the relevant policies within the development plan for Mole Valley and the specific circumstances of the appeal scheme.

The Green Belt balance

17. I have concluded that the appeal proposal would be inappropriate development that would conflict with national and local policy to protect the Green Belt. Although the proposal would have a neutral effect on the openness of the Green Belt, I have found that the proposal would be harmful to the character and appearance of the countryside. In addition, I have concluded that the appeal proposal would be more harmful than the fallback scheme which could be implemented as permitted development.
18. There are no other considerations in favour of the proposal, including housing land supply, that clearly outweigh the presumption against inappropriate development and the substantial weight that the Framework requires to be attached to such harm. The very special circumstances necessary to justify the proposal do not, therefore, exist.

Conclusion

19. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR