

Appeal Decision

Site visit made on 25 October 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 7th November 2016

Appeal Ref: APP/C3620/W/16/3150797

Lucerne, Horsham Road, Capel, Surrey RH5 5JH

- 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 Bird against Mole Valley District Council.
 - The application, Ref MO/2015/1315, is dated 10 August 2015.
 - The development proposed is change of use of site from sui generis vehicle storage to C3 dwellinghouse and erection of 3 bed chalet house.
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Decision

1. The appeal is dismissed and planning permission is refused for the change of use of site from sui generis vehicle storage to C3 dwellinghouse and erection of 3 bed chalet house.

Preliminary Matter

2. The Council's appeal statement advises that, had the application been decided within the prescribed period, the reasons for refusal would have referred to the location of the site within a rural area where development plan policies seek to restrain development and the impact of the proposal on the character and appearance of the area. I have framed the main issue accordingly.

Main Issue

3. The main issue is whether the proposal accords with development plan policies for the location of new housing and its effect on the character and appearance of the area.

Reasons

4. The appeal site is located on the west side of Horsham Road, a considerable distance outside of the settlement boundary of Capel. Mole Valley Core Strategy 2009 (CS) Policies CS1 and CS2 seek to direct new development to built up areas and allow limited infilling within larger rural villages. Development outside of, but adjoining, settlement boundaries will be restricted to small scale affordable housing. Paragraph 17 of the National Planning Policy Framework (the Framework) recognises the intrinsic beauty of the countryside. Saved Policy ENV3 of the Mole Valley Local Plan 2000 (LP) seeks to protect the countryside for its own sake and presumes against development which would adversely affect its open character. The policy identifies a limited range of development types which would be acceptable, subject to considerations of scale, form, impact and siting. The proposed new dwelling would not fall within
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the identified development types. I note that the Inspector who considered an earlier scheme for two bungalows on the site¹ reached a similar conclusion with regard to policies for the location of new development.

5. The site adjoins a short row of dwellings to the south and is well screened by vegetation to the north. Nevertheless, views into the site are available from the road. Although the site accommodates a limited amount of open storage, parked vehicles, a shed and some caravans, it is substantially free of built development and its somewhat unkempt appearance does not significantly detract from the rural character of the area. Consequently, the site contributes to the openness of the countryside.
6. The proposed chalet house would be sited to align with the adjoining dwellings and would not, therefore, be prominent in the street scene. Moreover, its scale, form and appearance would be in keeping with the other dwellings in the row. Nevertheless, the erection of a new, effectively two storey, building spanning most of the width of the site, together with new hardstandings and domestic paraphernalia would significantly close down the openness of the site. I consider that this effect would be more harmful to the rural character of the area than the modest visual benefit arising from the removal the existing open storage, vehicles and caravans.
7. The appellant considers that the grant of planning permission for a bungalow at Spring Lodge², a short distance to the south of the site, sets a precedent for the appeal proposal. On the face of it, the two proposals appear to be similar in scale and location. However, I have not been made aware of the circumstances which led to the approval of the Spring Lodge scheme and this limits the weight that I can attach to it. Each proposal must be considered on its merits and, on the basis of the information available, I am not persuaded that the Spring Lodge development provides a robust justification for the appeal proposal.
8. Overall therefore, I find that the proposal would not accord with relevant development plan policies for the location of new housing and would have a detrimental effect on the character and appearance of the area. Consequently, it would be contrary to CS Policies CS1 and CS2 and LP Policy ENV3 as well as CS Policy CS14 insofar as that policy requires development to respect the character of the area.

Other Matters

9. There is nothing to suggest that the proposal would have a harmful effect on highway safety or the living conditions of neighbouring occupiers. However, the absence of further harm does not amount to a positive point in favour of the proposal.

Conclusion

10. For the reasons set out above, the appeal should be dismissed and planning permission refused.

Simon Warder

INSPECTOR

¹ Appeal ref: APP/C3620/A/13/2202338

² Application references: MO/2011/2053/PLA and MO/2009/1208.