The Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2016

by Grahame Gould BA MPhil MRTPI

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

Decision date: 21st November 2016

Appeal Ref: APP/R3650/W/16/3152772
White Gates, Upper Hammer Lane, Bramshott Chase, Hindhead GU26 6DD

- 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 Chailey Homes against the decision of Waverley Borough Council.
- The application Ref WA/2016/0043, dated 6 January 2016, was refused by notice dated 10 March 2016.
- The development proposed is the erection of two detached two storey houses with rooms in the roof and integral garages and associated new access, parking and landscaping and a garage to serve the existing property.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Reference has been made to the Council's emerging replacement Local Plan for which a consultation draft was published on 19 August 2016. As the emerging Local Plan remains to be examined and is therefore subject to change, I find that little weight can be attached to its policies in the determination of this appeal, having regard to the provisions of paragraph 216 of the National Planning Policy Framework (the Framework). I shall therefore make no further reference to the emerging Local Plan.

Main Issues

3. Having regard to the reasons for refusal and the representations made by the highway authority the main issues are:

    - the effect of the development on the character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty (the AONB) and the Area of Great Landscape Value (AGLV);
    - whether the location would provide acceptable access to everyday local facilities by a range of modes of transport;
    - the effect of the development on the living conditions of the occupiers of 4 Gorse Cottages (No 4), with particular regard to outlook and light; and
    - whether adequate turning and manoeuvring space would be available for vehicles entering or exiting the development.

Reasons

4. The development would involve the construction of two detached houses with integral garages and the formation of a new access onto Upper Hammer Lane. The development would occupy the side garden area of White Gates, a house which occupies a substantial plot on the eastern side of Upper Hammer Lane.

The approach to this decision

5. At the time of the application's determination the Council considered that it could not demonstrate the availability of a five year supply of deliverable housing sites (an HLS). However, as part of its appeal case the Council contends that there is now an HLS, a matter disputed by the appellant.

6. For the purposes of saved Policy C2 of the Waverley Borough Local Plan of 2002 (the Local Plan) the site is within the countryside beyond the Green Belt. Policy C2 states that outside rural settlements '... the countryside will be protected for its own sake ...', with building in the open countryside away from settlements being strictly controlled. I find Policy C2 to be a policy for the supply of housing because it can affect the location of residential development. However, Policy C2's wording is inconsistent with the Framework because it seeks to protect the countryside from building on an in principle basis, with only the explanatory text, rather than the policy itself, identifying possible exceptions. This is a policy approach that was advocated in previous national policy[1], but this has not been carried forward into the Framework, most particularly the fifth core planning principle (paragraph 17), which refers to planning recognising '… the intrinsic character and beauty of the countryside …'.

7. I therefore consider Policy C2 to be an out of date policy and that reduced weight should be applied to it, having regard to the provisions of paragraphs 211 and 215 of the Framework.

8. Policies D1 and D4 of the Local Plan are variously referred to in the reasons for refusal and address matters of detailed design. As Policies D1 and D4 do not affect the location or quantity of new housing and are generally consistent with the Framework, I find them to be policies that can have full weight attached to them and I shall refer to them in greater detail in my reasoning below.

9. As I have found Policy C2 to be an out of date policy, and irrespective of whether there is, in fact, an HLS, I have approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole or specific policies within the Framework indicate that development should be restricted.

Character and Appearance

10. The development would infill virtually all of the space between White Gates and No 4 and there would also be limited space between the boundaries of plots 1 and 2 and their respective side boundaries with the two neighbouring dwellings. While the houses would be no further forward than 1 to 6 Gorse

[1] Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004) which was cancelled with the publication of the National Planning Framework in March 2012

Cottages (the cottages), given the limited space that there would be between them and No 4 and White Gates, I find that the development would not share the same sense of openness about it compared with the other detached houses to the south of what would be plot 2 and to the north of the cottages, ie Hucclecote and Border Cottage. In reaching this finding I am mindful of the fact that the cottages, as a terrace of four houses and a pair of semi-detached houses, are a quite intense grouping of dwellings. However, those cottages read as a single block of built development within the street scene, with there being significant gaps between them and the houses within the plots for Hucclecote, Border Cottage and White Gates.

11. Upper Hammer Lane slopes downwards quite markedly from south to north within the immediate vicinity of the site and given that topography I find that the eye would be drawn to the development's lack of openness when it was being viewed from the south. Undertaking landscaping would not of itself address the lack of space that there would be between the houses in plots 1 and 2 and White Gates and No 4.

12. The site forms part of White Gates' domesticated garden area and as such I find that the development would not give rise to significant harm to the AONB's or AGLV's landscape beauty. While the development would involve the removal of the substantial and prominent Beech tree towards the front of the site, this tree has been identified as being diseased, which has implications for its life expectancy. I therefore find that the loss of the Beech tree in association with the development would be of limited consequence to the longer term appearance of the area.

13. I recognise that the site is not excluded from the Framework's definition for previously developed land (PDL), because it is situated outside a built up area, and as such there is some encouragement for the land to be developed at a higher density. However, for the reasons given above I have found that the development's intensity would not be respectful of its context, accordingly seeking to maximise the scheme's density would be an inappropriate design approach for this site.

14. For the reasons given above I conclude that the sub-division of White Gates' plot and the absence of space between the new dwellings and their neighbours and the adverse implications that this would have for the openness of the area, would result in there being unacceptable harm to the character and appearance of the area. There would therefore be conflict with saved Policies D1 and D4 of the Local Plan and paragraph 17 (the fourth core planning principle), insofar as the development would be harmful to the visual character and distinctiveness of the locality, would fail to be well integrated with its surroundings and would thus not be of a high quality of design.

Whether a suitable location for dwellings

15. Bramshott Chase comprises around 50 dwellings and lies within reasonably close proximity to the larger settlements of Haslemere, Grayshott and Hindhead. These larger settlements are accessible by private motor vehicles as well as by bicycle and on foot, with the latter being possible using pavements. Various schools and other community facilities would be within fairly reasonable walking and cycling distances and there would also be some access to bus services.

16. I accept, notwithstanding the potential to make use of bus services and/or the pavements in the area, that there may nevertheless be a quite high dependency upon private motor vehicle usage amongst occupiers of the development, but that dependence would be unlikely to be any more significant than that for the occupiers of the other dwellings within Bramshott Chase.

17. Having regard to above mentioned locational characteristics and the provisions of paragraph 55 of the Framework, I consider that the site would not be an isolated location for additional housing, with the houses amounting to what would be infill development. Accordingly I find that in terms of proximity to other built development and accessibility to every day local facilities this would be a suitable location for housing within the rural area and that there would be no conflict with paragraph 55 of the Framework.

18. While there would be some conflict with Policy C2 of the Local Plan in that the scheme would involve development within the countryside, I find this not to be determinative because of Policy C2's inconsistency with the Framework.

Living conditions

19. There are two small windows in the side elevation of No 4, one each at ground and first floor levels and the lower window serves a kitchen/dining area. The flank wall for the house within plot 1, while being elevated slightly above No 4, would be several metres away from that neighbouring property. When that distance is taken with the presence of No 4's garage and the combined height of the fence and laurel hedge marking the boundary between No 4 and the site, I consider that the development would not give rise to any harmful losses of outlook or light to No 4's kitchen/dining area.

20. On this issue I therefore conclude that there would be no harmful effect on the living conditions for the occupiers of No 4. Accordingly there would be no conflict with Policies D1 and D4 of the Local Plan or paragraph 17 (the fourth core planning principle) in that there would be no unacceptable harm to the living conditions for the occupiers of a neighbouring property in terms of the development's effects on the receipt of light and outlook.

Turning and Manoeuvring

21. The development would involve the formation of a new access onto Upper Hammer Lane, which would be for the use of the occupiers of the house within plot 1. Vehicular access to and from the house within plot 2 would be derived via the existing access serving White Gates.

22. A swept path analysis has been undertaken on the appellant's behalf and that analysis suggests that vehicles using the drives and garages for both of the new houses might be able to enter and leave the properties in a forward direction, but to do so it would appear that some frontage planting shown on drawing P101A could not be implemented and that there would also be reliance upon the available on-site parking not being fully occupied and/or all vehicles being parked judiciously.

23. It would therefore seem that there would be instances when vehicles would either have to reverse into or out of the new houses' parking areas. Notwithstanding the potential for reversing movements I found there to be good forward visibility for both vehicles on the public highway and those that

would be joining it from the development. I therefore consider that were it necessary for vehicles to reverse to or from the development, such movements would not be harmful to the safe and free operation of the highway.

24. I therefore conclude that there would be adequate turning and manoeuvring space. There would therefore be no conflict with Policy M2 of the Local Plan because the development would provide safe access for its occupiers and other road users.

Planning Balance

25. I have found that this site in terms of its accessibility to every day local facilities would be a suitable location for housing. I also recognise that the development would make contributions to the provision of housing and the economic well-being of the area in terms of the employment opportunities during the construction phase. However, I consider those social and economic benefits would be modest ones, weighing only to a very limited degree in favour of the development.

26. While various other benefits of the development have been referred to by the appellant, such as the generous garden sizes, the opportunity to enhance the site's biodiversity value and the use of sustainable construction methods, I also find those matters to weigh to a limited degree in favour of this scheme.

27. However, while I have found that there would be no significant harm to the appearance of the ANOB and the AGLV, there would be an unacceptable effect on the area's openness, resulting in harm to the area's general character and appearance. That environmental harm weighs significantly against the development and is harm that could not be overcome by the imposition of reasonable planning conditions.

28. In terms of the overall planning balance, even if the appellant is correct on the matter of the HLS, I consider that the adverse harm that I have identified would significantly and demonstrably outweigh the development's benefits, when assessed against the policies in the Framework taken as a whole. I therefore find this scheme would be an unsustainable form of development.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR