The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/C3620/W/16/3152518
Station Works, Woodfield Road, Ashtead, Surrey KT21 2DU

- 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 Barry Wright, Winterfold Developments Ltd, against the decision of Mole Valley District Council.
- The application Ref MO/16/0184 is dated 1 February 2016.
- The development proposed is the demolition of existing building and replacement of 8x2-bedroom dwellings with on-site associated car-parking and refuse.

Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. Though the Council did not determine the application, its putative reason for refusal is that the proposal would be inappropriate development in the Green Belt which would harm its openness and which would not be outweighed by very special circumstances.

3. While it refers to the spatial strategy set out in Policy CS1 of the Mole Valley Core Strategy 2009 (CS), which says that in the countryside development will be considered against the provisions of Planning Policy Guidance Note 2: Green Belts, this has been replaced by the National Planning Policy Framework 2012 (the Framework). In accordance with paragraph 215 of the Framework, and the degree of inconsistency between CS Policy CS1 and the Framework as regards the Green Belt, I can accord CS Policy CS1 only limited weight. Notwithstanding this, the Council directs me to section 9 of the Framework which concerns the protection of Green Belt land. Given the evidence, this is a main issue in the appeal.

4. I also identify that given the nature of Ashtead Common and the scale of the proposed development, that its effect on the Common's landscape character is an additional issue. I note that the Council raises no objection to the loss of employment use. Nor, while referring to its housing provision CS Policy CS2 does it object in principle to the development of housing on this site, which would accord with CS Policy CS3 which seeks two-bedroom and three-bedroom dwellings. Therefore, the main issues in this appeal are:

    - the effect of the proposal on the openness of the Green Belt, and whether it would be inappropriate development in the Green Belt;

- the effect of the proposal on the landscape character of Ashstead Common; and,
- if it is inappropriate development, 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

5. It is proposed to demolish the existing building, erected originally as tea rooms, and presently occupied by a car repair company, and to build in its place eight, two-bedroom houses. Located between Ashstead railway station and Ashstead Common and outside the boundary of the built-up area, the appeal site falls within the Green Belt.

Openness and whether inappropriate development

6. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. A number of exceptions to this are set out in paragraph 89 of the Framework. Of these, the most relevant to this case is that which allows for the complete redevelopment of a previously developed site which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7. The proposed terrace of houses would be no wider than the existing building, and its footprint would be less deep than the existing building. Indeed, compared to the existing building, its footprint would be around 105m^2 smaller. However, for most of its length, the proposed terrace would be around 2m taller. I also note that the main, front wall of the terrace would be around 2m closer to Woodfield Road than the main, front wall of the existing building.

8. While the reduction in footprint would provide more free space behind the proposed terrace, this space would be confined between one of the railway station platforms and the back wall of the terrace, and it would be used for domestic occupation. Its positive effect on the openness of the Green Belt would be substantially less than the negative effect resulting from the increase in height of built form on the site, and the encroachment of the built form towards the open area of Ashtead Common, which has the greater spatial bearing on the site, as regards openness. Furthermore, the return ends of the proposed terrace would have gables facing towards the Common whereas the present building has a sloping roof, the effect of which would be to exacerbate the loss of openness. The volume of the proposed terrace, incorporating an additional storey, would be around 380m^3 greater than the existing building, which is a significant increase in terms of its effect on openness.

9. In spatial terms, the increase in the volume and height of the development on the appeal site when compared with the existing situation, despite the reduction in footprint considered above, would reduce the amount of space not

occupied by built form, and thereby diminish the openness of the Green Belt. It would also bring the built form closer to the wide, open space of Woodfield.

10. Notwithstanding this, openness has a visual aspect as well as a spatial aspect, and the appellant draws my attention to several factors in this regard. The proposed terrace would include gables and dormers; these would diminish the prominence of the roof over the terrace. A second, lower roof would be incorporated; this would reduce the vertical impact of the front elevation. However, these design refinements in the building envelope would not reduce the overall effect on openness identified above.

11. I acknowledge that the space around the existing building is used for ad-hoc storage and parking, and that the parking areas in the proposal would be screened or landscaped and that the terrace would have landscaped front gardens. This would improve the appearance of the site in relation to the Common, but the effect of this on openness would be slight. While the proposed building may be slightly shorter than the Ashtead Common Management Centre building to the west, this would not alleviate its impact on openness. I appreciate that the proposed building in residential use would lack the commercial activity and vehicle movements associated with the present use, however, the weight I give to the effect of this on openness is limited.

12. I conclude that the proposed development would diminish the openness of the Green Belt and it would have a greater impact on its openness and the purpose of including land within it than the existing development. It would therefore be inappropriate development within the Green Belt, which paragraph 87 of the Framework says is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in considering a planning application, substantial weight should be given to any harm to the Green Belt.

Landscape character of Ashstead Common

13. The three, enclosing edges of Woodfield are defined by belts of trees which provide a predominantly green vista to the open space. Buildings form part of the enclosure around Woodfield, but they are limited in footprint, in number, and in location, and tend to be set well back from the edge of the open area and partially screened by trees or planting. This gives Woodfield a distinctive, green, and semi-rural setting which is sensitive to the Common which rises to the north.

14. The Council's Character Appraisal describes development around the periphery of Woodfield as being widely visible, maintaining an attractive balance of modest buildings with no single building being over-dominant. With regard to new development, it anticipates that this will need to be modest in scale and allow the open space to remain as the dominant characteristic of the Character Area.

15. The increased height of the proposal over the existing building, combined with its single mass would result in a dominant figure in views from the Common towards the south, and introduce a more urban character into the enclosure to the south edge of Woodfield, which would be harmful to its landscape character. I have taken into account the presence of the Ashstead Common Management Centre building which is taller than the proposal, however it is

less wide than the proposal, and its appearance reflects its use which relates to the maintenance of the Common rather than to a residential use.

16. I conclude on this issue that the proposed development would harm the landscape character of Ashstead Common. It would be in conflict with Policy EN4 of the Mole Valley Local Plan 2000, which says that development in the countryside should not detract from the character of the local landscape. It would be contrary to paragraphs 58 and 60 of the Framework which advise that planning decisions should respond to local character and seek to reinforce local distinctiveness. It would be at odds too with the Planning Practice Guidance[1] which says that the size of individual buildings should be carefully considered as their design will affect, amongst other things, local character, vistas, and views.

Other considerations

17. The Framework advises that inappropriate development in the Green Belt should not be approved, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

18. The appellant describes how there is a shortage of 2-bedroom dwellings in the area, however I note that the PPG[2] advises 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 on a site within the Green Belt. I have already considered the visual improvements which would arise from the proposed development in terms of the present use of the space around the existing building, and the on-site landscape improvements. I acknowledge that the industrial use of the site may have drawbacks in its compatibility with the character of the Common compared to a residential use; however, much of the industrial activity is enclosed within the existing building. I note the improvements to highway conditions that may result from the formal, on-site turning areas in the proposal. I appreciate too the improvements in this scheme over the scheme dismissed at appeal[3] in 2005, and the present condition of the existing building.

19. I have taken into account the positive aspects of these other considerations, however I attach to them only limited weight. They do not clearly outweigh the harm that I have identified. I therefore conclude that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case.

Other Matters

20. I have given consideration to the other policies of the development plan and to the concerns of neighbours and other interested parties. I understand that the land to the north of the site is designated as a National Nature Reserve which contains Scheduled Monuments, a Site of Nature Conservation Interest, and a Site of Special Scientific Interest. However, I have been provided with no details of these designations or where they lie. I have considered the conclusions of the appellant's Ecology Assessment and I note that the Council's

[1] Paragraph: 026 Reference ID: 26-026-20140306
[2] Paragraph: 034 Reference ID: 3-034-20141006
[3] Appeal Ref: APP/C3620/A/04/1163116

Tree Officer raises no objection to the proposal. Given the industrial nature of the site, there is no substantive evidence that suggests the proposal could not be conditioned to avoid any potential issues in these respects.

21. The proposed houses appear to provide the minimum gross internal floor area as set out in the national space standard. Given the number of bedrooms of the proposed houses, the constraints around the site and the proximity of the open space I do not find the garden sizes inappropriate. I identify no issues with the living conditions of future occupiers. Similarly, as the proposal would provide one parking space per plot with two spaces for visitors, I do not consider that the scheme would place significant additional pressure on the street parking in the area, which is reported to be used by commuters using the railway station. I consider that the proposed layout would reduce the potential of vehicles reversing onto the road, and I note that the highway authority raises no objection to the scheme.

22. I note the objection regarding the impact of the development on the tranquil, unspoilt nature of the Common, though there is no substantive evidence how a residential use with its own back gardens would impact on that nature. None of these other matters leads me to a different overall conclusion.

Conclusion

23. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR