
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/R3650/W/16/3153215

Moonshine, Headley Common Road, Headley, Surrey KT18 6NX

- 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 T Bayliss against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0129/PLA, dated 19 January 2016, was refused by notice dated 8 June 2016.
 - The development proposed is the demolition of existing detached dwelling and construction of new detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - its effect on the openness of the Green Belt;
 - its effect on the landscape character and appearance of the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV); 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

3. Lying within the Green Belt and within the Surrey Hills AONB and in an Area of Great Landscape value, the appeal site is large in area, and contains mature trees and areas of open ground with the house set centrally in the plot. It is proposed to demolish the existing two-storey, five-bedroom house, and build in its place a new, two-storey, five-bedroom house.

Inappropriate development in the Green Belt

4. Saved Policy RUD8 of the Mole Valley Local Plan 2000 (LP) sets out the criteria for replacement dwellings in the countryside which will be permitted. These include that the dwelling is not materially larger than the dwelling it replaces,
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that it is close to the position of the original dwelling, and that it does not detract from the open and undeveloped character of the countryside. While the Policy does not expressly state that it concerns development in the Green Belt, its supporting text suggests that it does.

5. While there is some inconsistency between saved LP Policy RUD8 which refers to dwellings, siting and undeveloped character and paragraph 89 of the National Planning Policy Framework 2012 (the Framework) which refers to buildings, in accordance with annex 1 of the Framework I accord the Policy in so far as it relates to the substance of this appeal, significant weight. 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 replacement of a building, provided the new building is in the same use, and is not materially larger than the one it replaces.
6. There is disagreement between the parties over the areas and volumes of the existing dwelling and the proposed. The appellant contends that the assessment of the size of the existing dwelling should include the fall-back position of the permitted development extensions for which the appellant has a Lawful Development Certificate. Whilst fall-back may be an important consideration, it is not part of the test in the fourth bullet point of paragraph 89 as to whether a replacement building is materially larger than the one it replaces.
7. I note that the Council applies a 5% tolerance of error to allow for discrepancies in calculations. However, it is not clear to me if the tolerance applies to assessments of proposals or assessments of as-built developments. In any event, this tolerance does not appear in the development plan nor in the Framework in regard to replacement dwellings, indeed, paragraph 89 bullet point four does not offer any material increase in size which would be regarded as not inappropriate. By the appellant's measure, while the proposed dwelling would have a footprint 7% smaller than the existing dwelling, it would be 10% greater in area and by the Council's measure, 20% greater in volume. An increase of such proportion cannot reasonably be considered to be anything other than materially larger.
8. Accordingly, the proposed dwelling would be materially larger than the dwelling it would replace, which means it would be inappropriate development in the Green Belt, which paragraph 87 of the Framework states is, by definition, harmful and should not be approved except in very special circumstances. On the same basis, I find that the proposal would, in this respect, be in conflict with LP Saved Policy RUD8. Paragraph 88 of the Framework states that in considering a planning application, substantial weight should be given to any harm to the Green Belt.

Openness of the Green Belt

9. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open.

10. The proposed dwelling would reduce the frontage width compared to the existing; however, much of this gain would be lost by additional footprint to the rear of the existing footprint. Notwithstanding this, I noted on my site visit that the north wing of the existing house stands very close to the area of woodland with many mature trees beside the house. By reducing the width of the house, and even taking account of the additional footprint to the rear, the proposal would ease the space between the building and the woodland which would increase the effect of openness around the house.
11. However, I also note that the existing house, despite having a wider frontage in its T-shape footprint compared to the more rectangular and compact footprint of the proposed house, has its roof springing from an eaves just above the heads of the ground floor openings, with the first floor set largely within the roof slope and lit by small dormers. By contrast, the eaves of the roof of the proposed house would spring from the heads of the first floor openings which would be set within the raised external walls of the house.
12. The effect on openness of this additional volume at high level is not outweighed by the effect of the reduced footprint and frontage width and the corresponding increased openness beside the woodland. Nor does the form or appearance of the replacement house mitigate this additional high-level volume. The increase in the volume of the development on the appeal site, when compared with the existing situation, would reduce the amount of space not occupied by built form, and thereby diminish the openness of the Green Belt. This weighs against the proposal.

Landscape character and appearance of the Surrey Hills AONB and AGLV

13. The Council considers that the additional mass of the proposed house would harm the landscape character of the AONB. It concludes that the design of the house would not respect the local distinctiveness and would fail to complement the form and scale of the surrounding landscape and that the use of random coursed stonework would be inappropriate in this part of the AONB. Policy CS13 of the Core Strategy 2000 requires all development to respect, and where appropriate, to enhance the character and distinctiveness of the landscape character in which it is proposed. In the AGLV, it focuses on avoiding harm to the AONB, in particular in views from and into the AONB and its key features.
14. My impression of the site is that it reflects the surrounding distinctive balance of mature woodland and green, open space in which buildings are minor landscape elements. Standing on rising ground, the house is set in a small area of formal landscape. It has a commanding position of some prominence over the more informal wider landscape within the site. I disagree that the design of the proposal has disjointed forms and architectural features; the bays are articulated and support gables of similar form and the fenestration is ordered and balanced. The Council has not described the distinctiveness of the design of any neighbouring buildings or their use of materials, against which it considers the proposal falls short. By contrast, the appellant points to the Building Design into the Surrey Hills publication¹ which illustrates the use of stone in the Surrey Hills. On this basis, I am satisfied that were the appeal to be upheld, that an appropriate condition could make the use of materials acceptable.

¹ Building Design into the Surrey Hills, Guidance on the preparation of Design Statements for new development

15. By redeveloping on the site of the existing house and by retaining the relationship of the elevations to the formal landscape areas, the proposal would respect the different aspects of the landscape and the building's orientation towards it. By providing more space between the footprint of the proposed house and the woodland to the north, an element of breathing space between building and landscape would be introduced. These are positive factors. I note too that the effect on the landscape beyond the site boundaries is diminished by the surrounding woodland and belts of tree planting. However, the additional, raised volume of building at first floor and at roof level would detract from the balance between building mass and the contours of the open ground, which form the setting of the wider landscape within the site, and hence its relationship with the character of the Surrey Hills AONB.
16. I conclude on this issue that because of the high level location of the additional mass, the proposal would harm the landscape character of the Surrey Hills AONB and AGLV. In this respect it would be in conflict with CS Policy CS13. It would for this reason undermine the landscape character of the Surrey Hills AONB and harm its scenic beauty, which has the highest status of protection, the conservation of which I am required, by paragraph 115 of the Framework, to attach great weight.

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. I have taken account of the unimplemented extensions to the existing house for which the appellant has a Lawful Development Certificate. In these circumstances, I regard the extensions as a realistic fall-back. However, while I have not been provided with the drawings relating to these extensions, it appears they would extend behind the existing house, are limited in footprint, and are single storey. Their effect on the openness of the Green Belt and on the landscape character of the AONB which I have identified above would be considerably less than the proposal in this appeal. Accordingly, I give the fall-back position little weight.
19. No other considerations have been put before me which outweigh the harm identified. I therefore conclude that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

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

Patrick Whelan

INSPECTOR