
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: 7th December 2016

Appeal Ref: APP/R3650/W/16/3154807

Land north of junction with Hurlands Lane, Wrotham Great Copse, Knights Lane, Dunsfold, Surrey GU8 4NU

- 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 Nigel Garrick and Mr Nicholas Garrick of Garrick Groundworks against the decision of Waverley Borough Council.
 - The application Ref WA/2015/1640, dated 11 August 2015, was refused by notice dated 21 March 2016.
 - The development proposed is described as 'erection of 2 new dwellings following demolition of existing buildings (as amplified by emails dated 21.10.2015 and 11.02.2016)'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In determining the application the site's address and the description of the development have been altered by the Council, changes that the appellants have not objected to. I have therefore used those details in the banner heading above and added Surrey and the postcode to the address, as per the details shown on the application form, for clarity.
3. There is disagreement between the parties about the site's lawful use, with a lawful development certificate for its use as a contractor's yard for the storage of materials, plant and equipment and associated vehicle parking having been refused on 13 October 2016¹. Despite the volume of evidence put before me about the lawfulness or otherwise of the site's use, and any implications that might have on the site's status as previously developed land (PDL), it is not my role to adjudicate on that matter. Accordingly nothing in my reasoning below should be taken as a determination of the site's lawful use.

Main Issues

4. The main issues are: whether the location would provide acceptable access to everyday local facilities by a range of modes of transport and if not would any dependency on motor vehicle usage, in particular, be harmful to the environment; the effect of the development on the character and appearance of the area, including the Area of Great Landscape Value (AGLV); and the effect of the development on the ancient woodland.

¹ Application reference WA/2016/1664

Reasons

5. The development would involve the construction of two detached houses within a clearing within ancient woodland. The development would utilise an access that links the main body of the site with Knightons Lane.

Whether a suitable location for dwellings

6. The site is situated in an area where there are around 17 dwellings fronting Knightons Lane and Hurlands Lane. This existing residential development is quite sporadic, with there being limited access to every day local facilities (employment, shops, schools and other community facilities) in the immediate area. The nearest village is Dunsfold. There is however, some disagreement about how far away Dunsfold is from the site, with the appellants referring to 'less than 1 mile' (1.6 Km) and the Council submitting that the distance is 1.7 Km away.
7. Whatever the precise distance, there is a clear physical separation between the site and Dunsfold, and the proposed homes would be some significant distance from the nearest shops and local facilities. However, Knightons Lane has no footways and is unlit and travelling to and from Dunsfold by foot is unlikely to be that attractive (in terms of its convenience), especially after dark, and I consider that the local highway network would not provide particularly inviting routes for pedestrians or cyclists to gain access to every day local facilities. No evidence has been provided suggesting that Knightons Lane is on a bus route and is thus accessible by public transport.
8. Having regard to the above mentioned locational characteristics of the development and the limited accessibility there would be to every day local facilities in Dunsfold and other settlements in the area, I find it likely that there would be a high level of private vehicle dependency amongst occupiers of the development. Accordingly in terms of accessibility to every day local facilities I find that the houses would be in an isolated location. A consequence of this being an isolated location for housing would be the making of quite long and frequent vehicular trips by the occupiers of and visitors to the houses. The making of those trips would be inconsistent with the protecting the environment by minimising the need to travel by motor vehicle.
9. Paragraph 55 of National Planning Policy Framework (the Framework) promotes sustainable development in rural areas and advises that housing should be located where it will enhance or maintain vitality in rural communities, with development in one village in some instances having the potential to support services in others nearby. Paragraph 55 further advises that isolated homes in the countryside should be avoided unless special circumstances apply, such as providing accommodation for rural workers, making use of heritage assets, re-using redundant or disused buildings or a scheme would be of an exceptional or innovative design. The provisions of paragraph 55 are underpinned by the social role of sustainability referred to in paragraph 7 of the Framework. Paragraph 7 states, amongst other things, that new housing should be provided so that it is accessible to local services that reflect the community's needs and supports its health, social and cultural well-being.

10. As there are some dwellings within the vicinity of the site I accept that it is not physically isolated from built development. However, I consider the modest amount of housing that this scheme would provide would mean that it would do little to enhance or maintain the vitality of any of the other settlements in the area, in terms of supporting local services and businesses and that the poor access to every day local facilities would, in any event, outweigh any benefits to the area's vitality.
11. Various appeal decisions have been drawn to my attention seeking to demonstrate that the site is or is not an isolated location for housing. None of these appeal decisions concern the area within the vicinity of the appeal site and in my experience individual rural sites have their own distinct locational characteristics. As I am required to consider the appeal development on its individual merits, including its distinct locational characteristics, I consider that findings made in relation to other appeals have little bearing on the case before me.
12. In terms of the special circumstances referred to in paragraph 55 of the Framework, there is no identified need to accommodate rural workers, nor would this scheme result in the reuse of a heritage asset. While the architectural design of the houses would be unobjectionable, I consider that they would be neither of an exceptional quality nor particularly innovative.
13. The appellants are firmly of the view that the site constitutes PDL and that this is a factor that should be treated as weighing in favour of the scheme. However, even if I was to accept that the site is PDL I consider that would be of limited assistance to the appellants' case when making an assessment under paragraph 55 of the Framework. This is because paragraph 55 makes no express reference to the redevelopment of PDL as one of the special circumstances that can be used to justify new housing in rural areas. While reference is made to the reuse of redundant or disused buildings in paragraph 55, the site is currently in active use and the development would not come within this exception. Accordingly no special circumstances weighing in favour of this development under the provisions of paragraph 55 have been demonstrated to be present.
14. For the reasons given above I conclude that the location of the development would provide unacceptable access to everyday local facilities by a range of modes of transport and that in accessibility terms this would be an unsuitable form of development and that the dependency on motor vehicle usage would be harmful to the environment. As such there would be conflict with the underlying aims of Policy M4 of the Waverley Borough Local Plan of 2002 (the Local Plan) which seeks to encourage alternative means of travel by requiring that development include safe, convenient and attractively designed pedestrian routes linking to existing or proposed pedestrian networks, local facilities and amenities or to public transport. As an isolated development in the countryside there would also be conflict with paragraph 55 of the Framework.
15. While the first reason for refusal cites conflict with Policy M2 of the Local Plan, I find this policy to be of limited relevance. That is because Policy M2 seeks to ensure that new transport infrastructure necessitated by new development is of a scale and design that is compatible with the scale of the development

and/or is respectful of the environment and no new transport infrastructure would be provided as part of this development.

Character and Appearance

16. The development would be quite modest in scale and would be of a low density, with the houses being set in generous plots. These houses would be very discretely located relative to both Knightons Lane and Hurlands Lane, because of the set back of around 80 metres from the former road and the screening provided by the encircling woodland. While I appreciate that the woodland is deciduous, it is dense and comprises tall trees, with the result that, even at times when the trees are not in leaf, the woodland would be capable of providing good screening for the development. In this respect the development would be more discretely located than many of the existing dwellings in the area, because of the latter's visibility from Knightons Lane and Hurlands Lane. Accordingly given the development's limited scale and visibility I find that it would not be detrimental to the general openness or beauty of the area, having regard to its inclusion within an AGLV.
17. I acknowledge that, whatever the lawful use of the site might be, it currently has a rather unsightly appearance. However, the current activities that are being undertaken on the site and the built development associated with them are very well screened from public vantage points, as would also be the case for the houses. Accordingly I consider that the redevelopment of the site for housing would have a limited beneficial effect on the area's appearance and that this is something weighing only to a limited degree in favour of the development.
18. There are no trees of note within the site and the adjoining woodland is beyond the site's boundary. The construction of the houses would therefore not involve any tree removal that would be harmful to the character and appearance of the area.
19. On this issue I conclude that the development would not be harmful to the character and appearance of the area. There would therefore be no conflict with Policies C3, D1 and D4 of the Local Plan in that the development would not reduce landscape value of the area, cause detriment to the area's distinctiveness or be harmful to the street scene. I also find that there would be no conflict with the fifth core planning principle referred to in paragraph 17 of the Framework in that the intrinsic character and beauty of the countryside would not be harmed.

Effect on the ancient woodland

20. The development would occupy a quite extensive clearing within the Wrotham Great Copse area of semi natural ancient woodland, with both of the houses being sited at some distance from the nearest trees. The Council is concerned that the site's domestication could result in there being future pressure for trees within the woodland to be felled. However, the boundaries to the site could be enclosed by fencing or planting, and those arrangements could be secured by the means of a planning condition or conditions and would preclude occupiers of the development from gaining access to the woodland.
21. I also consider that there would be sufficient space about the houses and that their gardens would be of a sufficient extent to ensure that no unacceptable

overshadowing would arise. On that basis I consider that the occupiers of the development would not find their living conditions compromised and that there would be no undue pressure for the adjoining trees to be felled.

22. I therefore conclude that the development would not be harmful to the adjoining ancient woodland in terms of the removal of trees. As the development would not give rise to any unacceptable tree loss, I also find that there would be no reduction in the woodland's biodiversity value. There would therefore be no conflict with Policies C7, C11, D1, D4, D5 and D7 of the Local Plan and paragraph 118 of the Framework in that the development would maintain the tree cover on the adjoining land and would not be detrimental to the area's biodiversity value.

Other Matters

23. The construction of two dwellings would contribute to the supply of housing within the Council's area, however, that contribution would be a very modest one. I note the dispute between the main parties about the presence or absence of a five year supply of deliverable land for housing. However, on the evidence produced in this case, it is not possible for me to reach a fully informed conclusion. I consider this issue further below.
24. I am mindful of the fact that the use of the site has given rise to the generation of some noise disturbance to neighbouring residents and I also accept that the site's use is capable of generating some commercial vehicular activity. I therefore recognise that the development would give rise to the removal of a potentially 'bad neighbour' use and that there would be some social and environmental benefits arising from such a change. The site's redevelopment will also give rise to some biodiversity enhancements through the removal of the existing activities and the introduction of new planting. However, I am not persuaded, on the available evidence, that any benefits arising from the replacement of the existing activities with the new development are sufficient to outweigh the harm that I have identified.

Planning Balance

25. I have found that the development would not be harmful to the character and appearance of the area or to the adjoining ancient woodland. I also recognise that the development would make a contribution to the economic well-being of the area, in terms of employment opportunities during the construction phase and consumer spending in the wider area. However, I consider that the environmental and economic benefits of this scheme would be modest ones, weighing only to a very limited degree in favour of the development.
26. However, I have found that this would be an unsuitable location for dwellings because they would provide their occupiers with poor accessibility to everyday local facilities and this weighs against the development's social benefit of providing additional housing. I consider that the harm that I have identified could not be overcome by the imposition of reasonable planning conditions.
27. Having regard to my reasoning above, I conclude that the proposal does not comply with the development plan taken as a whole and does not represent sustainable development in the terms of the Framework. The adverse impacts I consider that granting permission would cause would significantly and demonstrably outweigh the benefits, taking account of all the benefits the

development would have. Accordingly, even if it were the case that the Council cannot demonstrate a five year supply of land for housing, such that Policy C2 should not be considered up-to-date, there are no material considerations which would warrant a decision other than in accordance with the development plan.

Conclusion

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

Grahame Gould

INSPECTOR