
Appeal Decision

Site visit made on 6 December 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 21 December 2016

Appeal Ref: APP/C3620/W/16/3153631

Rosemar Farm House, Shellwood Road, Leigh, Surrey RH2 8NT

- 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 Dan Coe against the decision of Mole Valley District Council.
 - The application Ref MO/2015/1767/PLA, dated 28 October 2015, was refused by notice dated 9 November 2015.
 - The development proposed is to erect 3 No. detached dwellings following demolition of existing kennels and mobile home dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For brevity, I have used the description of the development given on the appeal form in the heading above.
3. The Council's reasons for refusal included the absence of a legal agreement to secure a contribution to affordable housing. However, since the decision the relevant Written Ministerial Statement (WMS) has been reinstated following a Court of Appeal judgement. The Council has not disputed the appellant's point that, due to the WMS, contributions are no longer required for developments of less than 10 units, so the matter is not considered further in my reasoning below.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal has demonstrated that there would be no harm to protected species; and,
 - whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.
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Reasons

Inappropriate development

5. The appeal site comprises land currently maintained as a garden with some tree and shrub cover, as well as a commercial kennels with ancillary buildings and a mobile home. It lies within the Metropolitan Green Belt, in an area of open countryside with sporadic development of individual or small clusters of dwellings.
6. The development would comprise the demolition of the kennels building and the removal of the mobile home, and the erection of a line of 3 detached chalet bungalows fronting the road. There is a fall-back scheme¹ which allows the conversion of the existing kennels to 4 residential dwellings.
7. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 89 of the Framework advises that new buildings in the Green Belt are inappropriate development unless they fall within the given exceptions. One of these exceptions is the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, 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. This exception is of relevance for this appeal.
8. A challenge to relating to the definition of garden land outside built-up areas² has confirmed that gardens outside built-up areas represent previously developed land. On this basis, the entire appeal site constitutes developed land. The development would only be considered inappropriate if it had a greater impact on openness, and on the purposes of including land within the Green Belt, than the existing kennels and mobile home.

Openness

9. Openness, although not defined in the Framework, is essentially freedom from development. The existing kennels are arranged around a courtyard, and although there are ancillary buildings and a mobile home to the rear, the tight building pattern ensures one building screens another so that there is a degree of containment and the full extent of the existing development is not entirely visible from any one point. Furthermore, the kennels and its associated buildings are single storey and appear subservient to their garden setting.
10. By contrast, the chalet bungalows would be set in a line along the road frontage, and have a far looser and extensive building pattern. There would be little opportunity for one chalet bungalow to screen another and their size and height would also close off longer views into the site, particularly in the case of Plot 1. They would be far more prominent than the existing kennels when viewed from the road and by virtue of their size and positioning would noticeably encroach into land currently free of significant built structures. As such, by virtue of having a greater impact on openness than the existing development, the proposals would represent inappropriate development.

¹ MO/2014/0195

² Dartford BC V SSCLG (CO/4129/2015)

11. The chalet bungalows would also extend the building pattern associated with the junction of Shellwood Road and Brockhamhurst Road, some 200 metres to the north-west, into a notably more open area. Consequently, the development also would be contrary to the aims of Paragraph 79 of the Framework which aims to prevent urban sprawl and the Green Belt purpose of safeguarding the countryside from encroachment. In this regard the proposals would also represent inappropriate development. I give this harm, and that identified above, substantial weight in accordance with Paragraph 88 of the Framework.

Character and appearance

12. The appeal site is largely surrounded by open, albeit garden land and has a semi-rural character. The existing kennels and associated buildings are single storey, and the buildings primarily visible from the road have shallow tiled roofs and an agricultural character which is sympathetic to the semi-rural character of the appeal site and the wider locality. Buildings to the north and east of the appeal site, Rosemar Cottage Farm, Bunt's Place Farm and Cedar Gables form a loose cluster but are set well back and largely screened from the road. Rosemar Cottage Farm and Bunt's Place Farm are particularly distinctive with half-hipped roofs, the use of traditional materials and detailing, gable projections and a general vernacular style reflective of early C20 dwellings.
13. The proposals comprise chalet bungalows with a simple rectangular footprint, steep hipped roofs and prominent dormer windows, set some 25 metres from the road. They would be readily visible and prominent from the road, and would obscure the long views into the site that currently exist. I appreciate that the proposed roof style and dormer windows would pick up some details of the distinctive roof arrangements of Bunt's Place Farm and Rosemar Cottage Farm. However, the bungalows' simpler styling, flat elevations and less distinctive proportions would be rather more standard and suburban. In addition, there would be no common building line or orientation. Their slightly skewed alignment and irregular spacing in relation both to each other and the road would appear neither geometrically consistent nor sufficiently irregular to create a discrete building cluster. The layout would also be unrelated to the loose arrangement of Cedar Gables, Rosemar Cottage Farm and Bunt's Place Farm, or the tighter pattern and smaller scale of the dwellings to the north-west of the site. Consequently, I disagree with the appellant that the development would represent a sympathetic infill between existing development or enhance the openness of the surrounding area³.
14. Nor can I conclude that the proposals would contain the spread of development. Although I have concluded that the appeal site comprises previously developed land, it does not follow that existing gardens have no merit in the consideration of character and appearance. In this instance, the existing garden areas provide significant separation from the development to the north-west, and also provide a more spacious and semi-rural setting for the existing cluster of buildings behind the kennels, and the kennels themselves. Furthermore, the dwellings to the north-west comprise modest single storey dwellings with shallow pitched roofs, which also reflect a diminution of building scale on the edge of the building pattern. The chalet bungalows proposed

³ Planning, Design and Access Statement

would be far taller, have a larger scale and be very much more prominent in the street scene.

15. In the light of the above, the development would not follow the existing grain of development or relate to the existing development pattern. Consequently, the development would be contrary to Policy ENV 22 of the Local Plan⁴ (LP) which requires development to respect the character and appearance of the locality and be appropriate in terms of scale, form and appearance, and Policy CS14 of the Core Strategy⁵ (CS) which also requires development to respect and enhance the character of the area in which it is proposed. As noted above, the appeal site represents previously developed land so in this regard the development would not be contrary to CS Policy CS1.

Protected species

16. The appellant argues that as the bat survey carried out in 2013 was valid for the application for the fall-back scheme, it should still be valid now. However, it is 3 years since the survey work was undertaken, and in my experience bat surveys should be less than 2 years old to include meaningful information. Surrey Wildlife Trust⁶ has advised that the appellant should confirm that the findings and recommendations of the 2013 survey are still relevant.
17. I conclude that it has not been demonstrated that the proposal would minimise its impact on biodiversity or provide net gains, as required by Paragraph 109 of the Framework. It would also fail to comply with CS Policy CS15 which requires biodiversity to be protected and enhanced in accordance with national legislation and guidance, and LP Policy ENV15 which states that where it is evident that a proposed development would be likely to result in harm to a protected species or its habitat, a thorough site investigation will be necessary.

Other considerations

18. The evidence before me indicates that the chalet bungalows would have a smaller footprint and reduced volume compared to the conversion of the kennels and removal of the mobile home. However, notwithstanding this quantitative benefit, I consider there would be greater visual intrusion from three detached chalet bungalows arranged in a line along the road frontage, than from the fall-back scheme with its tighter development pattern. The fall-back scheme would also be considerably lower as it would not have accommodation in the roof, and it would maintain the existing kennel's subservience to its garden setting.
19. The appellant also argues that the reconfiguration of the existing parking area would render the development more attractive than the existing situation. However, the layouts provided indicate that the total hardstanding area for three individual dwellings would not necessarily be less than that now existing.
20. Although the Council has not advanced any reasons to support its view that it gives the fall-back scheme little weight, on the basis of the evidence before me I see no reason to conclude that it is not, in principle, a realistic option. Furthermore, I conclude that there would be less loss of openness and less

⁴ Mole Valley Local Plan, adopted October 2000

⁵ Mole Valley Core Strategy, adopted October 2009

⁶ Officer's report, 9 November 2015

visual intrusion associated with the fall-back scheme than from the appeal before me, and consequently less harm to the Green Belt.

21. The appellant has referred to inconsistency in the Council's approach to planning decisions. However, there is no evidence before me to support this assertion and as such I give this argument little weight. The appellant's statement also refers to a recent planning appeal where the Inspector acknowledged there was some conflict with wording of a particular policy. However, no further evidence is supplied and I also give this little weight. In any case, each appeal is determined on its own merits and as the government attaches great importance to Green Belts, it is appropriate to give considerable weight in the planning balance to potential harm within the Green Belt.
22. The appellant also notes that other properties in the area have been incrementally extended. However, this proposal is for three new dwellings, not extensions to existing structures, so the situations are not comparable.
23. I acknowledge that the reduction in vehicular activity currently associated with the kennels could benefit residents in the locality. However, the development itself would generate a travel demand, as would the fall-back scheme. As such I give this argument little weight. With regard to the noise and potential disturbance associated with kennels, again there would be noise and disturbance associated with residential development, albeit of a different nature.
24. It is also argued by the appellant that notwithstanding the requirement for Council's to have a five year housing supply, there is a national need for more housing, set out in Paragraph 47 of the Framework. However, a national housing need does not justify allowing housing development on sites where significant harm has been identified, as is the case here. The appellant also highlights the need for affordable housing, particularly in rural areas. Whilst I appreciate that the chalet bungalows would be modest dwellings, suitable for local people downsizing or getting on the housing ladder, the dwellings contained within the fall-back scheme would be equally if not more suitable as they are one or two bedroomed dwellings compared to the three bedrooms proposed in the development before me.

Conclusion

25. The proposal is inappropriate development which by definition is harmful to the Green Belt and the Framework requires substantial weight to be attached to that harm. I have also found moderate harm both to the character and appearance of the Green Belt, and protected species.
26. Notwithstanding that the fall-back scheme has a greater volume and footprint than the appeal before me, it would have a neutral effect both on openness, and the character and appearance of the area. The other considerations that I have outlined above only carry limited weight. Consequently, the harm from this development is not clearly outweighed by other considerations and the very special circumstances required to allow inappropriate development in the Green Belt, do not exist.
27. For these reasons and taking all matters into account, I conclude that the development would not comply with relevant national policies in respect of the

Green Belt, or the relevant policies of the Council's Local Plan and Core Strategy, and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR