
Appeal Decision

Site visit made on 4 January 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/M3645/W/16/3159130

Frog Cottage, Felcourt Road, Felcourt RH19 2JZ

- 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 Brian Jefferies against the decision of Tandridge District Council.
 - The application Ref TA/2016/1011, dated 4 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a detached single storey bungalow and associated detached double garage.
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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 having regard to the National Planning Policy Framework (the Framework) and the development plan;
 - its effect on the openness and purposes of the Green Belt;
 - the effect of the proposed development on protected species;
 - whether the proposal would result in a sustainable form of development; and
 - if the development is inappropriate, 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 required to justify the proposal.

Reasons

Inappropriate development

3. The Framework establishes that new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed in paragraph 89 of the Framework. The appeal proposal involves the formation of a new building in part of the existing garden area and the sub division of the plot into two.
 4. The proposal would be sited on an area mainly laid to lawn and boarded by a mixture of mature and semi-mature trees, shrubs and hedgerow. While a
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fence lines the Felcourt Road boundary, and the site falls between adjoining properties, the new building would have a greater impact on openness as the site is currently absent from development. In any event, residential garden land is not previously developed land as set out in Annex 2 of the Framework.

5. Accordingly the proposal is therefore inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. The proposal would also be contrary to Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (Local Plan) which broadly reflect the provisions of paragraphs 87, 88 and 89 of the Framework.

Openness and Purposes

6. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. The dwelling would be of a single storey construction and would be positioned behind an existing close boarded fence and a number of mature trees that form part of the Felcourt Road boundary. This would, together with a strong landscape screen to the north, lessen the effect the proposal would have on the openness of the Green Belt. However, the proposal would extend above the fence line and be far more evident on approach from the south. Also its footprint would extend somewhat into the site. Compared to the existing landscaped garden, the proposal would introduce a new dwelling that would only partially be mitigated for by existing trees. It would, together with the garage and store result in a material loss of openness of the Green Belt. Furthermore, the upshot of the proposal is that the associated curtilage would be severed from Frog Cottage. Thus two distinct and separate curtilages would be formed. The proposal would result in extra domestic paraphernalia in the Green Belt and further reduce openness.
8. Nevertheless, the backdrop afforded by the mature woodland to the rear and the enclosure formed by fencing and existing landscaping would ensure the dwelling would not result in encroachment into the countryside.
9. The proposal would therefore materially detract from the openness of the Green Belt in conflict with Policies DP10 and DP13 of the Local Plan and paragraph 79 of the Framework.

Protected Species

10. The appellant asserts that the site is not identified for nature conservation or biodiversity importance. In this regard they are to my knowledge correct. While they maintain and tend to their garden and have done so for a number of years, the wider part of the site and surrounding area contains a large number of mature trees, including a large mature wooded area to the rear. I also understand the site is adjacent to a Potential Site of Nature Conservation Importance, although I have no further details of this. There are also open fields to the east and west that are lined by hedgerows. All offer potential habitats and therefore there is a reasonable likelihood that protected species could be present on or near to the appeal site. Given the removal of existing

trees in particular and the proximity of the garage and store to the wooded area, there is a risk that protected species may be adversely affected.

11. I note the Surrey Wildlife Trust, based on their experience of similar cases, considers the potential impact of the proposal should be known before allowing development to take place. Given the site's location, as an ecological survey has not been provided, despite the appellant's willingness, I cannot be sure of the effect of the proposal on protected species. A precautionary approach is justified and a survey is necessary. As such, I conclude on this issue that the proposed development is contrary to Policy CSP17 of the Tandridge District Core Strategy (Core Strategy) and Policy DP19 of the Local Plan. Together these policies seek to protect, enhance or increase the provision of biodiversity and will only permit development where it can be demonstrated that species will not be harmed or appropriate mitigation measures put in place.

Sustainable Pattern of Development

12. While the appeal site is physically and visually close to dwellings that line Felcourt Road, meaning that it is not isolated in this sense, the site is outside the category 1 and 2 settlements listed in Policy CSP1 of the Core Strategy.
13. The site is in-between Lingfield and East Grinstead which are roughly 1.5 miles to the north and 2 miles to the south respectively. Both offer a variety of facilities for day to day purposes and employment opportunities. These include supermarkets, shops, public houses, churches, a bank and or post office, recreation facilities, primary and or secondary schools, a doctor's surgery and a pharmacy. Both settlements also together with the intervening station at Dormans, offer half hourly rail services to and from central London. Despite the presence of a bus stop adjacent to the site, by the appellant's admission the bus service connecting the site to these settlements and thus the rail connections is infrequent. Services run every hour and are confined to particular times of the day. While inhabitants of the settlements also rely upon this service, they are also far closer to the array of services and facilities on offer and would not be as reliant upon it.
14. As a result, I consider the availability and proximity of public transport is not sufficiently convenient to encourage occupants to use it regularly to access services and facilities. Added to this, despite the presence of a footway on the eastern side of Felcourt Road, this does not extend into either Lingfield or East Grinstead which are good distance away. The footway is not lit and it only extends between Blackberry Road to the north and partially past the appeal site adjacent to Grange Lodge. Vehicles travelling along Felcourt Road do so frequently and at speed, even with a 40mph speed restriction in force. While cyclists could use the highway to travel to Lingfield and East Grinstead, as there are no cycle lanes, I do not consider that it poses an attractive option that occupants would or could rely upon given the use of Felcourt Road.
15. I have been referred to a number of other developments in the area, including Chartham Park Golf Course and Leisure Centre, Charters Retirement Village, Felcourt Nursery, The Bakery, Cherry Tree Farm and Perry Wood Park. I am unaware of the full circumstances under which these developments were granted planning permission, and as such I attach these examples little weight.
16. For these reasons, I consider that the occupants of the proposed dwelling would be reliant on the private motorcar, as they would be discouraged from

using other modes of transport. I therefore conclude that the proposal would be sited in an unsustainable location which would be contrary to Policy CSP1 of the Core Strategy, Policy DP1 of the Local Plan and the Framework. These policies, amongst other things, seek to promote development in sustainable locations and with access to sustainable transport modes.

Other Considerations

17. I have had regard to the benefits of the scheme, including the contribution towards the supply of housing and occupants' spending money locally; employment during construction and the new homes bonus. Further benefits include provision of solar PV panels to reduce carbon emissions; provision of off-street parking and amenity space; a spacious form of development that reflects the local character and appearance and which safeguards neighbouring occupants' privacy. Together, these benefits weigh in favour of the proposal, but given the scale of the contribution I attach them a modest weight.

Other Matters

18. I have had regard to the appellant's concerns regarding the Council's handling of the pre-application, views expressed therein and the impression given regarding the outcome of an application. However, none of these matters alter or outweigh my findings on the proposal before me, which I have considered on its merits.
19. Even though representations opposing the proposal may originate from persons related to or friendly with a councillor, I have considered this appeal on its planning merits. Despite the scale of the scheme, I have determined this appeal with regard to the development plan unless material considerations have indicated otherwise.

Conclusion

20. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is therefore given to this harm and the harm that would arise in respect of the loss of openness. Very special circumstances will not exist unless the harm to the Green Belt and any other harm, is clearly outweighed by other considerations.
21. I conclude that the other considerations, taken together, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
22. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR