

Appeal Decision

Site visit made on 23 January, 2017

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

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

Decision date: 1st March, 2017

Appeal Ref: APP/C3620/W/16/3159241

Pixholme Court, Pixham Lane, Dorking, Surrey, RH4 1PG

- 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 Jerry Hinds against the decision of Mole Valley District Council.
 - The application Ref MO/2015/1330/PLA received on 28 August, 2015 was refused by notice dated 8 August, 2016.
 - The development proposed is a new build detached house following demolition of existing buildings on site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Some pages of the application form are missing, including the declaration and date. Therefore, in the banner heading I have used the date on which the application was received given on the Council's decision notice.
3. The site has an extensive planning history for proposed residential development, including appeal decisions. I have had regard to this as a material consideration, but have made my decision on the basis of the merits of the scheme and the policy framework before me.
4. There was thick fog at the time of my scheduled site visit and, while I was able to see the site itself and the features within it, it was not possible to see the wider context and landscape setting. I therefore returned to the vicinity later in the day, when conditions had improved, and undertook an unaccompanied visit to view the site in its wider surroundings.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposed development on the character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).
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Reasons

Whether the proposal would be inappropriate development in the Green Belt

6. The appeal site is situated in the Green Belt. Policy CS1 of the adopted Mole Valley Core Strategy (2009) (MVCS), states that development in the countryside will be considered in light of other specified provisions, including PPG2 'Green Belts'. PPG2 has been superseded by the Framework. Paragraph 89 of the Framework specifies that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
7. The Council and the appellant agree that the first five listed exceptions in paragraph 89 do not apply in this case. The sixth exception is for the limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), 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. The lawful use of the site as a dog training facility has been established by a Certificate of Lawfulness. As a result, the Council and appellant are agreed that the site constitutes previously developed land.
8. The site contains a number of existing buildings and structures, including a timber hut, garages, greenhouses and a poly tunnel. The existing buildings and structures and some of the existing hard standing would be removed and the site would be completely redeveloped for residential use comprising the proposed house and associated gardens and drive. There is disagreement between the parties concerning whether the house would have a greater impact on the openness of the Green Belt than the existing development. Openness is not defined in the Framework but essentially relates to freedom from development.
9. The appellant has taken a cumulative volume of five existing structures on site, which are proposed to be removed. The new house would be of an identical volume. The total proposed floor area would be reduced by a small but significant proportion compared to the cumulative floor area of the existing buildings and structures. Two temporary storage containers, which are not included in the calculations, are also proposed to be removed from the site. The volume and floor area figures are not disputed in the Council's report, and there is no other significant counter evidence before me. I therefore see no reason not to accept them. Furthermore, a modest proportion of the existing hard standing on the site would be replaced by soft landscaping. In light of these factors, the proposal would represent a modest decrease in the extent of physical built form on the site and so there would not be a greater impact on the openness of the Green Belt in spatial terms.
10. I note that the contextual elevations show that the house would consolidate the volume of built form into one new building, rather than dispersed among several structures around the site, which would also be somewhat taller than the existing buildings. This additional height would have a modest visual effect on the openness of the Green Belt. However, the effect of the height of the house would be offset by the decrease in the overall extent of physical built form. Furthermore, domestic paraphernalia associated with the dwelling could have been controlled by a condition to remove relevant permitted development

rights, in the event the appeal had been allowed. The proposal would therefore have a neutral impact overall on the openness of the Green Belt.

11. Paragraph 80 of the Framework sets out the five purposes served by the Green Belt. Compared to the existing development on, and the lawful use of, the site the proposal would also have a neutral impact overall on those purposes.
12. For these reasons, I conclude that the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it. It would therefore accord with the sixth listed exception set out in Paragraph 89 of the Framework. Consequently, the proposal would not be inappropriate development in the Green Belt. Furthermore, the proposal would not conflict in this regard with Policy CS1 of the MVCS.

Character and appearance

13. The scale, height, siting and nature of the existing built development is very unobtrusive within the site, which is well screened by houses and trees from Pixham Road and by trees and a historic garden wall from the playing fields nearby. The character and appearance of the existing buildings and the wider site, although somewhat rundown in parts, is generally consistent with the earlier horticultural use. The site appears not to have been significantly altered in character or appearance for some years, including by the dog training use, of which I saw no current signs during my visit.
14. From Pixham Lane, the built up character of the area on the opposite side of the road is apparent, featuring a substantial office complex and residential development further down the road. By sharp contrast, the site, which is well set back from the road, is relatively open with a strong rural character and appearance, despite its position just beyond the edge of the town. It features only low rise buildings, which are dispersed around the site, set among the many trees on and around the site, and generally not perceptible in the wider landscape. This entirely different character and appearance provides a transition between the built up area and the surrounding rolling countryside and wooded areas that characterise the AONB and the AGLV.
15. The new house would be a substantial two-storey property. It would be centrally positioned on the site, making it more visually apparent on entering the site via the track from Pixham Lane. Significantly, the scale, height and mass of the new house, and its prominent position within the site, would make the new building, and its residential character and accoutrements, apparent within the landscape to the rear. The site would also be visible in longer views from the footpath at nearby Box Hill, a well-known beauty spot, albeit I note from the appellant's Landscape and Visual Assessment that it would not be visible from the viewing platform there. Nonetheless, views generally from this elevated area are particularly attractive and sensitive.
16. The building would be somewhat set down behind a bund, feature a low profile roof in order to reduce its height, and be partly screened by existing and proposed trees and the wall. Nevertheless there would be a noticeable domestication due to the appearance of the building and the character of the activity on site, including in relation to the large garden area. Furthermore, the impact of the new building and use on the character and appearance of the area would be significantly greater than that of the existing buildings, notwithstanding that they are dispersed around the site.

17. I note that the proposed design includes features such as a green roof and natural materials to reduce the visual impact on the building in the landscape, and an overhang and shutters to reduce the impact of light spill from the significant areas of glazing proposed. While these would provide some mitigation, this would not be sufficient to overcome the negative impact that the building and domestication of the site would have on the character and appearance of the immediate setting and the wider landscape. For these reasons, I consider that the proposal would be detrimental to the character and appearance of the area and consequently would fail to conserve the landscape and scenic beauty of the AONB and the AGLV, contrary to the expectations of the Surrey Hills AONB Management Plan. Paragraph 115 of the Framework attaches great weight to conserving the landscape of AONBs.
18. In light of the above, I conclude that the proposed development would harm the character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value. It would therefore conflict with Policy CS13 of the MVCS, which sets out, among other things, that the conservation of the natural beauty of the AONB landscape is a priority, and that it must be demonstrated that development in the AGLV will not result in harm to the AONB. It would also be contrary to paragraph 115 of the Framework.

Other Matters

19. I have considered the various benefits of the scheme, including in relation to its sustainability credentials, high quality design, re-use of previously developed land, removal of hard standing, existing buildings and storage containers, cessation of the lawful use, biodiversity enhancements, upgrading of the adjacent walled garden, the support from a number of local residents, and that the site could be controlled by restrictive conditions if permission was granted. While these factors can be considered beneficial, the accrued benefits would be modest.
20. I note the examples of other developments in the area cited by the appellant. It appears that the circumstance of each example differs from the case before me, including in terms of the scale and nature of the proposed development and the prevailing use and context of each site. It is a core principle of the planning system that each application is determined on its own merits.
21. I accept that the site is not isolated for the purposes of Paragraph 55 of the Framework, being positioned close to the edge of Dorking and adjacent to a number of residential properties. Accordingly I consider that the special circumstances tests set out are not relevant to this case. Furthermore, there is no significant evidence before me that the scheme would enhance or maintain the vitality of rural communities.
22. I conclude that none of the matters discussed in this section of my decision add materially to the case for or against the appeal.

Conclusion

23. The proposal would not be inappropriate development in the Green Belt. However, it would harm the character and appearance of the area. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR