
Appeal Decision

Site visit made on 7 February 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 17 March 2017

Appeal Ref: APP/M3645/W/16/3163260

67/69 Copthorne Road, Felbridge, Surrey RH19 2PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Sarah Paton against the decision of Tandridge District Council.
 - The application Ref TA/2016/1262, dated 8 July 2016, was refused by notice dated 5 September 2016.
 - The development proposed is "Outline application for residential development of two new houses to the rear of Nos. 67 and 69 Copthorne Road with shared access driveway using existing access to No. 67 off the Copthorne Road with some reserved matters".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline with matters of access, layout and scale to be determined at this stage. I have considered the appeal on this basis.
3. The appellant has indicated on the appeal form that she intended to make an application for costs. However, I have not been provided with any further details in this respect. As such, I have not considered this matter any further.

Main issues

4. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - 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 would provide adequate living conditions for any future occupiers with particular regard to external amenity space provision;
 - Whether the proposal would occupy a location with a good level of access to local services and facilities;
 - The effect of the proposal on ecology; and
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- If the proposal is inappropriate development, whether or not there are material considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the proposal.

Reasons

Inappropriate development

5. The appeal site comprises parts of the undeveloped large and long rear gardens of 67 and 69 Copthorne Road, which are located within the village of Felbridge. Felbridge lies within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt. The most relevant in this case is the fifth Bullet Point which sets out that limited infilling in villages is not inappropriate.
6. Felbridge is identified as a Defined Village within the Tandridge Local Plan Part 2: Detailed Policies 2014 (Local Plan). Policy DP12- Development in Defined Villages in the Green Belt, of the Local Plan, allows certain development within Defined Villages, including infilling within an existing substantially developed frontage.
7. The appellant highlights that the Framework does not define the term 'infilling' and as such considers that the scope for infilling which Policy DP12 allows is too narrow and is therefore inconsistent with the policies of the Framework. However, in the absence of a definition of the term 'infilling' within the Framework, it is reasonable for the Council to define, within its Local Plan, what it considers constitutes infilling. Moreover, the Local Plan was adopted subsequent to the date of the Framework and as such, was likely to have been found sound on the basis of its consistency with the policies of it. Consequently, I afford significant weight to Policy DP12, of the Local Plan, in my determination of this appeal.
8. The proposal, which would be accessed from Copthorne Road using the existing driveway of No 67, would introduce two dwellings onto the appeal site. I acknowledge that two dwellings could reasonably be said to be limited development. However, given that these dwellings would occupy a backland location, the proposal cannot be said to constitute infilling in the context of Policy DP12 of the Local Plan. The proposal would therefore be contrary to this policy. Consequently, the proposal would not comply with the listed exceptions as set out in Paragraph 89 of the Framework. The proposal would therefore be inappropriate development in the Green Belt which by definition is harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also be contrary to Policy DP10- Green Belt, of the Local Plan, which reflects this requirement. Furthermore, Paragraph 88 of the Framework states that in considering a planning application, substantial weight should be given to any harm to the Green Belt.
9. The appellant has drawn my attention to a number of examples of backland residential development within Felbridge¹. I have also been referred to some

¹ Including 42-44 Copthorne Road; Thornhurst Place, Rowplatt Lane; 48-56 Copthorne Road; 81 Copthorne Road; Lyndhurst Farm Close; Hedgecourt Place; Houseman Way; Cherry Way; and 112 Copthorne Road

appeal decisions² and a Council decision notice³ relating to this type of development and to some of the abovementioned examples. Nevertheless, the appeal decisions and Council decision notice predate the adoption of the Local Plan. As such, the schemes they relate to were not considered under the same planning policy context. The same is likely to be true of any planning consent for the other examples of backland development within Felbridge. Thus, these examples do not justify a planning permission in this instance and do not alter my opinion in respect of this main issue.

Openness of the Green Belt

10. The fundamental aim of Green Belt policy, as set out in Paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. Openness is therefore an essential characteristic of the Green Belt. The construction of the proposed dwellings where no development currently exists would inevitably lead to a loss of openness of the Green Belt.
11. I acknowledge that existing buildings and vegetation would to some extent reduce the visual impact of the proposed dwellings. However, they would likely feature in glimpsed views from along Copthorne Road and its associated footpath in the vicinity of the proposed entrance and also through a gap between the properties of Nos 63 and 65.
12. Consequently the presence of existing buildings and vegetation would not mitigate the impact of the proposal and I consider that the proposal would lead to a moderate degree of harm to the openness of the Green Belt, over and above the harm which would arise from the inappropriate nature of the development.

Character and appearance

13. The pattern of residential development along the southern side of this part of Copthorne Road predominantly comprises dwellings set back from the street frontage with large and long rear gardens. This provides a strong spatial quality to the area. Though examples of backland residential development exist within Felbridge, this form of development is not so prevalent in the vicinity of the appeal site. This is evident from the submitted plans and from an aerial image provided by the appellant which shows the appeal site in its principal context.
14. As such, the introduction of two dwellings to the rear of Nos 67 and 69 would, in my opinion, be at odds with the general positioning and layout of residential development in the vicinity of the appeal site. Moreover, the overall plot and garden sizes of each of the proposed dwellings would be considerably smaller than the plot and garden sizes of nearby residential development. As such, the proposal would fail to reflect the prevailing pattern of development along this part of Copthorne Road and would erode the spatial qualities of the area. As set out above, the dwellings would likely feature in glimpsed views from the public realm. Thus, the proposal would result in significant harm to the character and appearance of the area.

² Ref APP/M3645/A/11/2144901 (75-77 Copthorne Road); Ref APP/M3645/A/13/2201516 (42-44 Copthorne Road); Ref APP/M3645/A/04/1159018 and Ref APP/M3645/A/04/1164124 (Thornhurst Place, Rowplatt Lane); APP/M3645/A/07/2037874 and APP/M3645/A/07/2038030 (48-56 Copthorne Road)

³ Ref TA/2011/1652 (75-77 Copthorne Road)

15. With regard to the planning consent in respect of 75-77 Copthorne Road, there is no substantive evidence before me to demonstrate that development was ever commenced. As such, it is likely that this planning consent is no longer extant due to time. In addition, on the basis of the adoption of the Local Plan subsequent to the date of this planning consent, I cannot be certain that any similar proposal at this location would now be considered by the Council to be acceptable. I also note that the Inspector was of the view that a different proposal which included backland development at Nos 75-77 would not necessarily be at odds with the character and appearance of the area. However, it was acknowledged that there was some backland residential development immediately adjacent to that site, whereas that is not the case in respect of the appeal site under consideration in this appeal.
16. I therefore conclude that the proposal would be contrary to Policy CSP18- Character and Design, of the Tandridge District Core Strategy 2008 (Core Strategy); and Policies DP7- General Policy for New Development and DP12, of the Local Plan. These policies require, amongst other things, development to integrate effectively with its surroundings, to reinforce local distinctiveness and to reflect and respect character, setting and local context. They are consistent with the broad aims and objectives of the Framework which require planning to take account of the different roles and character of different areas.

Living conditions

17. It is not clear from the evidence how many bedrooms each of the proposed dwellings would have. It is therefore not clear how many occupiers they could accommodate. Saying that, on the basis of the generous footprints of the proposed dwellings, that one would be two storeys and one would be one and a half storeys and each would be provided with at least two parking spaces, it is likely that the intention is to provide family living accommodation.
18. According to the evidence, the rear garden of the proposed dwelling to the rear of No 69 would be approximately 11m in length. It would also be regular in shape. I consider that the shape and dimensions of the rear garden space would provide a reasonable level of utility and a reasonable living environment for any future occupiers of this dwelling. In addition, I note the intention is also to provide a generously sized area of garden space to the front of this proposed dwelling, which would provide additional utility and amenity for any future occupiers.
19. However, the proposed rear garden for the dwelling to the rear of No 67 would be excessively modest in length and in overall size. This would considerably limit its utility for purposes such as sitting out and relaxing, informal play and hanging washing out to dry. It would also result in a considerable sense of enclosure and a cramped living environment for any future occupiers of this proposed dwelling. The appellant suggests that a large plot of land to south of the appeal site and within the ownership of No 67 would function as additional garden land for any future occupiers of the proposed dwelling to the rear of No 67. However, this land is not within the red line boundary of the appeal site and I am therefore unable to consider this matter any further.
20. I therefore conclude that the proposal would, overall, provide inadequate living conditions for any future occupiers in respect of external amenity space provision. This would be contrary to Policy DP7, of the Local Plan. This policy requires, amongst other things, development to provide a satisfactory

environment for the occupiers of new development and to provide appropriate garden areas proportionate to the size of the residential units and appropriate for the intended occupiers. The proposal would also be contrary to the aims and objectives of the Framework which require planning to secure a good standard of amenity for all future occupiers of land and buildings.

Access to local services and facilities

21. Policy CSP1- Location of Development, of the Core Strategy, sets out that in order to promote sustainable patterns of travel, development will take place within the built up areas of the District and where there is a choice of mode of transport available and where the distance to travel to services is minimised. The policy identifies built up areas as Category 1 settlements, which comprise larger settlement within the District. Felbridge is a Category 2 settlement, where Policy CSP1 allows development appropriate to the needs of rural communities through infilling and on sites allocated for affordable housing.
22. The appellant sets out that there are shops and facilities within Felbridge, including a school, approximately 700m to the east of the appeal site. Furthermore, that there is a public house, a hotel, a pharmacy, a café, shops and take-aways some 1200m from the appeal site. Nevertheless, these distances are not insubstantial and the services on offer are limited in scope. In addition, Copthorne Road is a busy main road and there is no footpath immediately outside of the appeal site. As such, any future occupiers would be required to cross this road, where there is no designated crossing, to reach the footpath on the opposite side of the road. I also observed there to be no street lighting along this part of Copthorne Road and no designated cycle lanes. I consider that these factors are likely to discourage any future occupiers from making the journey to services and facilities within the wider area on foot or by bicycle, especially during the winter months.
23. I acknowledge that there are bus stops within the vicinity of the appeal site, including those along Copthorne Road which provide an hourly service to and from larger settlements, including East Grinstead and Crawley, and their associated services, facilities and public transport links. This offers an alternative mode of transport for any future occupiers to gain access to these larger settlements. However, again, any future occupiers would be required to cross the busy Copthorne Road, where there is no designated crossing, to reach these bus stops. This is likely, in my opinion, to discourage their regular use.
24. Therefore, on balance, I consider that any future occupiers would be largely dependent on the use of a private motor vehicle to gain access to services and facilities in the wider area. As set out above, the proposal would not constitute infilling and there is no substantive evidence to demonstrate any specific community need for dwellings at this location. Nor is the appeal site allocated for affordable housing.
25. The proposal would therefore be contrary to the aims and requirements of Policy CSP1, of the Core Strategy. It would also be contrary to Policy DP1- Sustainable Development, of the Local Plan, which seeks to secure, amongst other things, development that improves social conditions in the area. Paragraph 7 of the Framework identifies that accessible local services provides a social dimension of sustainable development. In addition, the proposal would be contrary to the broad aims and objectives of the Framework which seek to

actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in sustainable locations.

26. I note the appellant's reference to examples of appeal decisions⁴ and planning consents⁵ in the vicinity of the appeal site where the location of development in respect of access to services and facilities and travel in general were not raised as a concern. I also acknowledge that the proposals the subject of the appeal decisions⁶ provided by the Council appear to occupy locations somewhat more remote than that of the appeal site and are generally located outside of any settlement. Nevertheless, I have informed my own view in respect of this main issue on the basis of the evidence before me and my observations of the appeal site and its surroundings.

Ecology

27. The appellant has submitted a recent Preliminary Ecological Appraisal to support the proposal. The Appraisal includes comprehensive desktop study and site survey information and appears to have been undertaken by a suitably qualified professional and in line with current best practice. The Appraisal concludes that the potential for the appeal site to support protected or Priority species is limited and that no further surveys are necessary. It also recommends a number of precautionary measures to be undertaken and a number of ecological enhancement measures to be adopted were planning permission to be granted.
28. Consequently, on the basis of the evidence before me, I am satisfied that the Appraisal adequately demonstrates that there are unlikely to be any protected or Priority species that would be directly or indirectly harmed by the proposal.
29. The proposal would therefore comply with Policy CSP17- Biodiversity, of the Core Strategy; and Policy DP19- Biodiversity, Geological Conservation and Green Infrastructure, of the Local Plan. These policies require, amongst other things, development to protect biodiversity and to not directly or indirectly harm protected or Priority species. The proposal would also comply with the broad aims and objectives of the Framework which require planning to minimise impacts on biodiversity.

Other considerations

30. I acknowledge that the proposal would make a contribution to housing supply in the District. However, such a contribution would be, in the wider scheme of things, modest. As would any New Homes Bonus payment or any Community Infrastructure Levy payment that the Council would receive. As such, I afford these matters limited weight.
31. I recognise that the proposed dwellings would be built to achieve a good standard of performance in terms of energy use and carbon emissions. I also note the intention to use traditional materials within their construction.

⁴ Including Ref APP/M3645/A/11/2144901

⁵ Including Ref TA/2011/1652

⁶ Ref APP/M3645/A/12/2179555; Ref APP/M3645/A/13/2202251; Ref APP/M3645/A/14/2228405; Ref APP/M3645/W/15/3004405; and Ref APP/M3645/W/15/3139325

Conclusion

32. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the proposal would be inappropriate development in the Green Belt. In addition, it would cause harm to the openness of the Green Belt and to the character and appearance of the area. Moreover, the proposal would provide inadequate living conditions for any future occupiers and would not occupy a location with a good level of access to local services and facilities.
33. I only afford limited weight to the material considerations in support of the proposal and conclude that, taken together, they would not outweigh the harm that would arise as a result of the proposal. Consequently, no very special circumstances exist that would justify inappropriate development being allowed. For the reasons set out above and having regard to all other matters, including noise and disturbance during any construction, overshadowing, privacy, outlook, flood risk, trees, highway safety and property devaluation, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR