
Appeal Decision

Site visit made on 7 February 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 05 April 2017

Appeal Ref: APP/M3645/W/16/3163326

Pinecroft, 62 Redehall Road, Smallfield, Surrey RH6 9QL

- 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 & Mrs M Baker against the decision of Tandridge District Council.
 - The application Ref TA/2016/458, dated 17 March 2016, was refused by notice dated 19 August 2016.
 - The development proposed is the construction of 4 x detached dwellings with garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the principle of the proposal is acceptable having regard to the location of the appeal site and its accessibility to services and facilities;
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - 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 necessary to justify the development.

Reasons

3. The appeal site comprises an area of land located between Pinecroft and 64 Redehall Road, to provide access to the proposed dwellings, together with an area of land currently used as part of the rear garden to Pinecroft, which also extends to the rear of 64 and 66 Redehall Road. It is proposed to retain the existing dwelling with a reduced size amenity area.
4. The appellants do not dispute that the proposal represents inappropriate development within the Green Belt. The parties agree that the appeal site could be considered to be previously developed land, either as part of the residential curtilage, or as a paddock. However, since the proposal would have a materially greater impact on the Green Belt by comparison with the existing buildings on the site it would not come within the exceptions at paragraph 89

of the National Planning Policy Framework (the Framework). Policy DP10 of the *Tandridge Local Plan Part 2: Detailed policies 2014-2029* and paragraph 87 of the Framework confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

5. The essential characteristics of Green Belts are their openness and their permanence. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness means the absence of buildings or development. The appeal site currently includes some small scale garden buildings and a swimming pool. The proposed dwellings, together with the garages, associated hardstanding and access road would significantly reduce the openness of the Green Belt, its most important attribute. The proposal would therefore be contrary to aims of Local Plan policy DP13 and paragraph 79 of the Framework.
6. The appellants suggest that the proposal would not conflict with the five main purposes of the Green Belt set out at paragraph 80 of the Framework in that the site is located close to other development and within a plot with well-defined boundaries. They submit that it would not contribute to any further sprawl of development along Redehall Road.
7. The appeal site extends to the west of the neighbouring residential gardens to the north and south, and although it is used as an amenity area by the appellants it is largely undeveloped. It has an open character and is visually similar to the adjacent countryside. Therefore, notwithstanding the proximity of other properties, the proposal would encroach upon the countryside and add to the sprawl through the introduction of built development onto land that is predominantly open. It would therefore conflict with two of the five purposes of the Green Belt.
8. The loss of openness and conflict with the purposes of the Green Belt would add to the harm by reason of inappropriateness and would be contrary to policy DP13.

Accessibility to Services

9. Policy CSP1 of the Tandridge District Core Strategy (2008) sets out the spatial strategy for the District. Amongst other matters, it seeks to promote sustainable patterns of travel and directs development to the existing built-up areas, where there is a choice of mode of transport available, and where the distance to travel to services is minimised. Within Category 2 settlements, such as Smallfield, it permits development appropriate to the needs of rural communities, through infilling and on sites allocated for affordable housing.
10. The appeal site lies outside of, but adjacent to, the settlement boundary, of Smallfield. It is located adjacent to other residential development and the proposed dwellings would not represent isolated new houses in the countryside for the purposes of paragraph 55 of the Framework. The site is located close to bus stops which provide services to Oxted, Horley and Crawley. These bus services would provide an alternative means of transport for future residents and would thereby contribute to the sustainability of the proposal.

11. The appeal site is within walking distance of a range of shops, two primary schools (Burstow Primary School and Redehall Preparatory School), a post office, a GP practice, a pharmacy and a village hall. There are also local sports clubs including a football and cricket club nearby.
12. The appeal site occupies an accessible location, where residents would be able to meet their day to day needs without undue reliance on the use of a private car. I conclude that the principle of the proposal is acceptable in so far as the appeal site would be conveniently located to services and facilities. In this regard it would comply with policy CSP1.

Character and Appearance

13. Together policies CSP18 and DP7 seek a high standard of design in all new development which should reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. The surrounding area is predominantly residential in character along Redhall Road but is interspersed with areas of open land, however the land to the east and west of the Redehall Road properties is predominantly countryside. The dwellings within the vicinity of the appeal site are generally detached and are set in spacious plots. Whilst there is some variation in the size of plots, the smaller plots tend to be those closer to the centre of the village, or more recent development.
14. Although the proposal would exceed the density of the dwellings within the immediate vicinity of the appeal site, it would nevertheless be a low density development. The proposed dwellings would occupy reasonably wide plots and would not appear unduly cramped. They would be situated a considerable distance from Redehall Road and they would not be particularly noticeable within views from Redehall Road. Although the proposed access road would have a suburban appearance, I consider that this would be consistent with the character of this part of Redehall Road.
15. The proposal would introduce a depth of development not generally found within the locality. It would extend beyond the western boundaries of other development in this part of Redehall Road, into an area that currently has the appearance of open countryside and is largely free of built development. The depth of development would be noticeable from the surrounding land and would fail to respect the distinctive character and setting of Smallfield.
16. I have also had regard to the recently permitted development at Gonville Works, where the Council granted outline planning permission for 9 dwellings. Based on the limited information available, it would seem that this scheme differs from the appeal proposal in that it sought to replace existing buildings which occupied a similar area to the proposed dwellings. Even so, the Gonville Works scheme does not extend into the countryside to a comparable extent to the appeal scheme. It replaced existing backland development and did not encroach upon an undeveloped area of countryside and it therefore differs significantly from the appeal scheme.
17. I accept that there are some cul-de-sac developments within the surrounding area, including Geary Close, The Acorns and Hollie Close. Geary Close differs from the appeal scheme in that it is not located behind frontage development, but is an established road with dwellings facing onto it. The Acorns and Hollie Close are situated closer to the centre of the village and neither extends into

the countryside to the same extent as the appeal scheme. Moreover, Hollie Close is surrounded by other built development. I therefore do not consider that these other schemes are comparable with the appeal proposal.

18. Overall I conclude that the proposal would harm the character and appearance of the surrounding area and would fail to comply with policies CSP18 and DP7.

Other Considerations

19. The Framework seeks to significantly boost the supply of housing. Paragraph 47 requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area, and to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.
20. The *Tandridge District: Statement of Five Year Housing Land Supply at 1 April 2016* confirms that the Council can demonstrate a 9.95 year supply of housing land when assessed against the Core Strategy requirement of 125 dwellings per annum. The appellants consider the housing requirement within the Core Strategy to be out of date in that it was adopted in 2008 and based on the now revoked South East Plan allocations. They consider that the housing land supply should be assessed against the OAN within the *Tandridge District Strategic Housing Market Assessment* (2015). This identifies an OAN of 9,400 dwellings for the period up to 2033 (470 dwellings per annum).
21. Planning Practice Guidance (PPG)(ID 3-030-20140306) states that where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.
22. The housing requirement within the Core Strategy was adopted some time ago, and is not based on a Framework compliant OAN. The SHMA provides a more up to date assessment of housing need. However, as explained in the Council's Housing Land Supply document, the SHMA figure is untested and has been subject to criticism during the consultation process. It is currently the subject of further consideration.
23. Based on the limited information before me, and having regard to the advice within PPG, I consider that the untested SHMA OAN cannot be afforded significant weight at the present time. I acknowledge that it is probable that the housing requirement within the emerging plan will be greater than that within the Core Strategy. Notwithstanding this, the only alternative figure to that within the Core Strategy is the emerging OAN within the SHMA. I therefore consider that in the absence of any reasonably robust alternative figure the housing land supply position should be assessed against the housing requirement within the Core Strategy. Consequently, on the basis of the submitted evidence, I am satisfied that the Council can demonstrate a five year housing land supply.
24. The appellant also submits that whilst small sites (9 units or less) do not make a significant contribution individually to the housing land supply, cumulatively over the last 10 years they have represented 36% of all completions, and

make a substantial contribution to housing land supply. Nevertheless, the appeal proposal would only provide four dwellings and in itself would not make an important contribution to housing land supply. Therefore this consideration adds limited weight in favour of the appeal proposal.

25. The appellants refer to an appeal at Bolney¹, where it is stated that the inspector did not object to a proposal within the countryside due to the proximity of the site to the settlement boundary and the Council's lack of a five year housing land supply. The Bolney appeal is materially different from the appeal before me in that it did not involve Green Belt land where there is a presumption against inappropriate development. Moreover, I have found above that the Council is able to demonstrate a five year supply of housing land.
26. The Framework is a material consideration in the context of this appeal. Whilst it establishes a presumption in favour of sustainable development, it makes clear at paragraph 6 that regard must be had to the document as a whole in determining what the concept means in practice, and is supportive of the planned system. There are three dimensions to sustainable development, economic, social and environmental.
27. The proposal would deliver some economic benefits in terms of jobs during the construction period. It would also attract the New Homes Bonus which recognises the efforts made by authorities to bring residential development forward. However, PPG explains that whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. Therefore in the circumstances of this case I do not consider the New Homes Bonus to be a benefit of the proposal.
28. I found above that the site is sustainably located within walking distance of services and facilities within Smallfield. It would also be accessible by bus. The proposal would deliver social benefits in terms of the provision of four new dwellings. The use of solar PV panels would contribute towards the environmental dimension of sustainability. These matters weigh in favour of the proposal and I afford them moderate weight. However, the proposal would harm the Green Belt through the loss of openness, and the encroachment of built development into the countryside. There would also be some harm to the character of the area as identified above. Consequently the environmental dimension of sustainable development is not met.

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 necessary to justify the development.

29. The proposal would give rise to harm to the Green Belt by reason of inappropriateness. The loss of openness and the encroachment into the countryside would give rise to further harm. The proposal would also harm the character and appearance of the surrounding area. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It requires that

¹ APP/D3830/A/13/2193232

substantial weight is given to any harm to the Green Belt. Local Plan policy DP10 also requires very special circumstances to be demonstrated.

30. The provision of four additional dwellings adds moderate weight in favour of the proposal. Notwithstanding this, Planning Practice Guidance is clear that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances necessary to justify inappropriate development within the Green Belt². The accessibility of the location, including the availability of bus services also weighs in favour of the proposal. In my view, these other considerations do not individually or cumulatively clearly outweigh the harm to the Green Belt and the harm to the character and appearance of the area. Consequently, very special circumstances do not exist.
31. I have found above that the Council is able to demonstrate a five year supply of housing land. Notwithstanding this paragraph 14 and footnote 9 of the Framework make it clear that land designated as Green Belt is one example of a specific policy in the Framework which indicates that development should be restricted. Given the harm to the Green Belt identified above, the decision taking criteria set out in paragraph 14 are not engaged, regardless of the five year housing land supply position.
32. Overall, therefore, the proposal does not represent sustainable development. It is contrary to development plan as a whole and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

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

Lesley Coffey

INSPECTOR

² ID 3-034-2014006