

Appeal Decision

Site visit made on 29 March 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 6 April 2017

Appeal Ref: APP/M3645/D/17/3167866

Little Dorcham, Long Hill, Woldingham, Caterham, CR3 7LF.

- 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 G Holmes White Properties Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2016/1412 dated 4 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is proposed engineering/excavation works to form front driveway and retaining wall.
-

Preliminary matter

1. Both the planning application form and drawing No.124-06 Revision B state that the proposed retaining wall would be constructed from brick and that the parking bay would be surfaced with permeable block paving. The Council clearly determined the application on this basis notwithstanding the fact that the submitted proposed artistic illustration (drawing No.124.07) does not appear to reflect the use of such materials.
2. In their Appeal statement the Appellant states that the retaining wall would be formed from railway sleepers and that the parking space would be surfaced with Marshall's grassguard permeable paving or similar. This proposed change to the materials stated at the application stage would have a material impact on the character and appearance of the proposed scheme. As neither the Council nor third parties have been given the opportunity to comment on the proposed changes, in the interests of fairness, I am unable to take the revised materials into account in the determination of this Appeal. Accordingly, for the avoidance of doubt I confirm that this decision is based upon the proposed materials stated on the application form and on drawing No. 124-06 Revision B.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues include:
 - 1) Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy.
-

- 2) The effect of the proposal on the openness of the Green Belt.
- 3) The effect of the scheme on the character and appearance of the surrounding area.
- 4) If the proposal does amount to inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including any public benefits, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the NPPF and development plan policy.

5. The NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Along with policy DP.10 of the Tandridge Local Plan Part 2 Detailed Policies 2014 – 2029 (Local Plan) the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The NPPF identifies various forms of development which may not be inappropriate in the Green Belt. It includes engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Policy P.13 of the Local Plan is consistent with this.
7. The term engineering operation is not defined in the NPPF. However it has been defined elsewhere as including the formation of a driveway and including works which are normally undertaken or planned by an engineer. As the proposed wall around the parking space is clearly designed to retain the earth, rather than form a means of enclosure, I am satisfied that the proposal as a whole falls within the term “engineering operation.”
8. Paragraph 80 of the NPPF sets out the purposes of the Green Belt as including:
 - To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
9. The Appeal site is located within an area of low density housing which typically occupy generous sized, mature landscaped gardens, with an abundance of trees and hedges. The northern side of this part of Long Hill is primarily characterised by grass verges/banks, mature hedges and low walls interspersed by domestic vehicular accesses. The banks and planting result in a strong sense of enclosure along the north side of Long Hill. To the south are expansive views over the undulating open countryside, which falls away steeply from Long Hill.

10. The Appeal site is located on the inside of a slight bend in the road and the dwelling occupies an elevated position several metres back from the highway. To the front of the dwelling is a narrow grass verge with a series of tiered planted strips retained by low blockwork walls. On either side of this planted area are steps, one set leading to the dwelling and the other forming part of a public footpath.
11. The proposed excavations and formation of an open parking area at street level would open up the frontage to the property and the proposed wall would simply support the higher ground immediately in front of the dwelling. As a result the proposed works, would preserve the openness of this part of the Green Belt.
12. However, this is not the end of the matter, as it is also necessary to examine the impact the use of the proposed parking bay would have on the openness of the Green Belt. The Appeal site is located in an undulating rural area outside any defined settlements and Long Hill is devoid of footpaths and street lights. Accordingly it is reasonable to predict that anyone living in the Appeal property would have access to a car at most times.
13. Currently the Appeal property has no on-site parking provision and there appear to be no existing public off-street parking facilities in the immediate area. As such it is likely that, in the absence of on-site parking facilities, the occupiers of the Appeal property would park in the highway either immediately outside or within a short distance of the Appeal property. Any parked vehicles outside the Appeal site would be prominent in views along Long Hill and from the open countryside to the south. Conversely a vehicle parked in the proposed parking space would be partially screened in views along Long Hill and would be further away from the open countryside to the south.
14. As a consequence, in this instance I find that the parking of a vehicle within the proposed parking space would be less visually intrusive than a car parked within the highway and that the use of the proposed parking space would preserve the openness of the Green Belt. In addition, as the parking space and retaining wall would be set within the domestic curtilage of the dwelling and would obviate the need to park within the lane the proposed development would not amount to encroachment into the countryside. It also follows that the proposal would not conflict with the other purposes of Green Belt policy or the fundamental aim of Green Belt policy which is to prevent urban sprawl and to keep land permanently open.
15. Finally, whilst the Council has referred to policy DP.13 of the Local Plan, it is not directly relevant to the proposal. This is because policy DP.13 of the Local Plan relates to buildings in the Green Belt and not to engineering operations.
16. For these reasons I conclude on the first main issue that the proposal would not amount to inappropriate development as set out in the NPPF and so would not conflict with policy DP.10 of the Local Plan.

The effect of the proposal on the openness of the Green Belt.

17. The findings in relation to the first main issue are that the proposal would not amount to inappropriate development in the Green Belt; would preserve the openness of the Green Belt; would not conflict with the five main purposes of the Green Belt or the fundamental aim of Green Belt policy. As such there is

no need to further consider the impact of the proposal on the openness of the Green Belt. Similarly there is no need to consider the fourth main issue which is whether any other considerations would amount to the very special circumstances necessary to make inappropriate development in the Green Belt acceptable.

Character and appearance

18. The Appeal site is located within a rural area, that is characterised by undulating open countryside and an abundance of trees, shrubs and soft planting. Retaining walls of varying heights and styles are commonplace throughout the locality, although the majority are modest in height, set away from the highway and often located against a mature landscaped backcloth. In addition, some are constructed from timber or stone which blends in with the colours and tones within the natural environment.
19. Many of these walls have been successful in being assimilated into the rural landscape. However, those that are visually stark or harsh due to their height, prominence or materials have been less successful and have had a suburbanising impact on the rural character of the surrounding area.
20. Policy DP9 of the Local Plan states that harsh and/or incongruous means of enclosure are unlikely to be permitted and encourages the use of plants and low wooden fencing. Consistent with the NPPF, policy DP7 of the Local Plan and policy CSP18 of the Tandridge District Core Strategy (Core Strategy) seek high quality design in all new development. Schemes should integrate effectively with their surroundings, reinforcing local distinctiveness and landscape character.
21. Policy L1 of the Woldingham Neighbourhood Plan (WNP) requires proposals to retain or enhance the spacious, sylvan character of Woldingham and its setting. In relation to parking it advises that it should be well integrated into the plot, softened with planting and should not dominate the house frontage. Design principle SS 2 of the Woldingham Design Guidance (WDG) states that parking should be designed to integrate discretely into the development. However it is acknowledged that it can be difficult to accommodate vehicle access's within steeply sloping areas. The WDG advises that changes to levels should appear natural and form an integral part of the landscape design. Also that retaining walls can scar the landscape and do not contribute to the overall landscape setting.
23. The proposed hard-standing would comprise block paving, which typically has a hard and suburban appearance. It would be enclosed by a solid, stark brick wall of varying heights, which would project above the ground level immediately to the front of the dwelling. The rear section of the wall would also be taller than a saloon car parked in the proposed parking bay.
24. As a consequence the proposed scheme would be visually hard and suburban and would materially detract from the verdant rural character of the street scene and its setting.
25. It is acknowledged that the Appeal dwelling is unusual in that it is sited close to the lane and occupies a small plot. As a result there is limited scope to accommodate on-site parking, whilst fully complying with the advice set out in

the WDG. However, this would not justify the harm that would be caused by the proposed development and is a matter that could not be satisfactorily dealt with by the imposition of conditions.

26. I conclude on this issue that the proposed scheme would unacceptably harm the character and appearance of the surrounding area. As such it would be contrary to policies DP7 & DP9 of the Local Plan, policy CSP18 of the Core Strategy, policy L1 of the WNP, the WDG and the NPPF.

Other matters

27. The verge to the front of the Appeal property is within the curtilage of that property and is not part of the public highway. At the same time the provision of an on-site parking bay would remove the need to park on-street, where it could obstruct visibility along Long Hill. For these reasons the proposal should not have an adverse impact on highway safety.
28. Finally, I have taken into account the convenience for the Appellant of having on-site parking. However, this would not outweigh the harm that would be caused due to the harsh suburban impact the proposed scheme would result in.

Conclusion

29. Whilst I have found in favour of the Appellant in relation to the Green Belt issues the conclusion on the third main issue represents a compelling reason for dismissing this Appeal.

Elizabeth Lawrence

INSPECTOR