
Appeal Decision

Site visit made on 8 May 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 1 June 2017

Appeal Ref: APP/M3645/W/17/3167929

Land to rear of 64-70 Copthorne Road, Felbridge, Surrey RH19 2QQ

- 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 Paul Faili against the decision of Tandridge District Council.
 - The application Ref TA/2016/925, dated 27 May 2016, was refused by notice dated 6 October 2016.
 - The development proposed is a one and a half storey, 4 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted with the appeal details of renewable/low carbon energy use for the proposal. The Council is satisfied that these details overcome their second reason for refusal.

Main Issue

3. The main issue in this appeal is;
 - Whether the proposal amounts to inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework.

Reasons

4. The appeal site sits to the rear of the long gardens of houses which front onto Copthorne Road. Access to the site is gained by an un-made track which runs between 2 houses; this also gives access to the adjacent detached house, and the nearby showground and livery. In my judgement the appeal site is separate from the built-up frontage of Copthorne Road which contains a continuous run of detached house, albeit within generous plots.
5. The site sits within the defined village of Felbridge and within the Green Belt. The site contains a number of plants and trees and is open in character. To its right hand side are the long rear gardens of houses on Copthorne Road and to the left is a plot containing a detached dwelling. Although other buildings can be seen in the area, the appeal site and its surrounding gave a spacious feel and one where openness prevails.

6. Policy DP12 of the '*Tandridge Local Plan Part 2; Detailed Policies 2014-2029*' (TLP) (adopted in July 2014) relates to development in defined villages and the Green Belt. It states that development within these villages in the Green Belt (which includes Felbridge) will be permitted in certain circumstances, including (most relevant to this appeal) at A1, "*Infilling within an existing substantially developed frontage; this does not include the inappropriate subdivision of existing curtilages to a size below that prevailing in the area*". The TLP was adopted after the publication of the National Planning Policy Framework and I consider that Policy DP12 is consistent with it. The Framework at Paragraph 89 states that the construction of new buildings in the Green Belt should be regarded as inappropriate and then sets out a number of exceptions. The fifth exception includes "*limited infilling in villages...*", although none of the terms are defined.
7. In relation to Policy DP12, whilst the properties facing directly onto Copthorne Road may be said to form 'an existing substantially developed frontage', I consider that the same cannot be said of the appeal site. The long rear garden of the nearest house on Copthorne Road separates the appeal site from this developed frontage and I do not consider that the presence of the single dwelling on the neighbouring land constitutes a substantially developed frontage. I observed the other buildings within the immediate area and I do not consider that these alter this conclusion.
8. The appellant has also drawn my attention to other forms of development in the area which have taken place within the 'backland' areas and which I could observe at my site visit. The appellant includes details of an appeal allowed on land to the rear of 76, 78 and 82 Copthorne Road (Ref APP/M3645/A/13/2201312). Having given consideration to this other case it is clear that the TLP and Policy DP12 had not been adopted at the time of that decision (January 2012) and so the Council's use of the term of infilling "within an existing substantially developed frontage" would not have been a matter in front of the previous Inspector. However, it is before me and forms part of the adopted development plan, is consistent with the Framework and so carries full weight in this case.
9. I conclude that the proposal would not constitute infilling within an existing substantially developed frontage, nor form any other acceptable development within Policy DP12. Therefore, the proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. I give substantial weight to the harm to the Green Belt in the determination of this appeal.

Overall Conclusions

10. I have taken careful account of the appellant's reference to other developments in the area. I have addressed one case in detail above and it seems highly likely that other cases were also determined prior to the adoption of the TLP and Policy DP12. More generally, the presence of other forms of development within a broadly similar location does not mean that a new proposal should be accepted even if it is contrary to the provisions of the development plan; I find this to be the case here. The recently adopted TLP has introduced an element into policy which now means that a proposal such as this may be considered as inappropriate development.

11. I have taken account of all other matters but find that there are no issues which taken individually or collectively that are sufficient to clearly outweigh the harm to the Green Belt that I have identified. As a result of this the proposal is contrary to policies DP10, DP12 of the TLP and the advice in the Framework. Whilst acknowledging that the provision of one house could contribute to social aims, as a result of the failure to achieve the environmental role of development, I conclude that the proposal does not represent sustainable development. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR