
Appeal Decision

Site visit made on 2 May, 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 6th June, 2017

Appeal Ref: APP/C3620/W/17/3166717

Gracelands, Rusper Road, Newdigate, RH5 5BX

- 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 Peter Gibbs against the decision of Mole Valley District Council.
 - The application Ref: MO/2016/1382/PLA dated 28 August, 2016 was refused by notice dated 15 November, 2016.
 - The development proposed is described as "*erection of 1 new dwelling; in the alternative to permission granted under MO/2016/0852/PNQ, 'change of use from agricultural building to 1 dwelling'*".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Peter Gibbs against Mole Valley District Council. That application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are whether the appeal site would be an appropriate location for residential development having regard to its rural location and the effect of the proposed development upon the character and appearance of the area.

Reasons

Whether an appropriate location for residential development

4. The appeal site lies within the countryside but beyond the Green Belt. It currently comprises an agricultural barn with surrounding land and an existing access onto Rusper Road. The development would involve the demolition of the barn and the construction of a five bedroom dwelling. The dwelling would have a floor area 15m² larger than the existing barn and be 350mm taller. The dwelling would also have a different siting within the plot to that of the barn.
 5. Prior approval was granted in 2016 to convert the barn into a single dwelling Ref: MO/2016/0852. At the time of my site visit the building was empty and the approved works had not been commenced therefore the barn was incapable of being occupied as a dwelling. In view of this I do not consider the site's use has been changed from agricultural to residential through this
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permission and I consider that the site does not come within the definition of Previously Developed Land (PDL) set out in Annex 2 to the Framework because the land is occupied by an agricultural building. Accordingly any additional weight that can, in appropriate circumstances, be attributed to the reuse of PDL does not apply in this case.

6. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development.
7. Nonetheless, paragraph 55 of the National Planning Policy Framework (the Framework) seeks to avoid isolated homes in the countryside unless there are special circumstances. Policy CS1 of the Mole Valley Core Strategy (the Core Strategy) seeks to maintain the existing settlement pattern by directing new development to within built-up areas and limited infilling within identified larger rural villages. Policy ENV3 of the Mole Valley Local Plan (the Local Plan) indicates that the countryside will be protected for its own sake. These policies restrict residential development in the countryside and therefore in the proposed location.
8. I find that the various parts of the Framework cited by the appellant, most particularly paragraphs 7, 47, 47 and 55, provide no particular support for the development because it is for one dwelling and the deemed permission would similarly yield one dwelling. Therefore, in any event as the scheme is for a single dwelling and the prior approval would also provide a single dwelling, the proposal would not make an additional contribution to any shortfall in housing land supply. Furthermore, one dwelling in this location could not be considered to make a significant contribution to enhancing or maintaining the vitality of rural communities. These issues therefore carry little weight in my consideration of the appeal proposal.
9. I conclude that the proposed development would not be an appropriate location for residential development. It would therefore conflict with Policy CS1 of the Core Strategy and Policy ENV3 of the Local Plan, which seek to direct new development to within built-up areas and to protect the countryside, amongst other matters.

Character and appearance

10. With the exception of the access the existing barn is screened to some extent from the road by a mature hedge. However, to the rear the site backs onto open countryside characterised by fields and paddocks. The proposed development would replace the barn with a dwelling of significant size and of a larger footprint than the existing barn.
11. The proposed dwelling, although comprising some elements of traditional design, would host multiple window openings to all elevations and incorporate a large glazed ridge feature. The dwelling would be constructed of brick and plain clay tile roof the design incorporates tile hanging and decorative timber features which gives the proposal an urban domestic appearance.
12. I accept that prior approval has been granted but the proposal would be a modified scheme with a different orientation within the site creating a frontage facing onto Rusper Road. Although the scale would be similar, the prior approval only allowed a limited number of windows, mostly involving the

enlargement of existing openings, and retained the external timber cladding of the existing barn. It would therefore maintain the features and form of the existing agricultural building which is a typical feature of the rural area. The proposed dwelling would, however, have a substantially more urban appearance to that of the existing barn.

13. Although there are some scattered agricultural buildings and a small number of other commercial premises and dwellings within the wider area, the landscape is characterised predominantly by fields. The proposed dwelling of urban appearance would be out of keeping with the surrounding rural landscape and, unlike the existing barn, would not respect its rural setting. The proposed development would appear prominent in the rural landscape and would be clear in views from the surrounding land and above the existing hedge from the adjacent highway. I therefore consider that the loss of the existing barn and its replacement with the proposed development would be more harmful to the character and appearance of the area than the extant prior approval scheme and I give this significant weight. I do not consider this harm could be overcome by the imposition of conditions.
14. I conclude that the proposed development would be harmful to the character and appearance of the countryside. It would therefore conflict with Policies ENV22 and ENV23 of the Local Plan, which require development to respect its setting and the constraints of the site in terms of its scale, form and appearance, amongst other matters.

Other Considerations

15. The appellant considers that the existence of the prior approval is a fallback position, and asserts significant weight should be given to it even if it has not yet been implemented. I acknowledge that the existence of a fallback position, such as a deemed permission, is a matter to which weight should be attached. However, the amount of weight to be attached to that position depends on the likelihood of it arising and whether it would be more harmful than the alternative development.
16. I have found that the appeal development would harm to the character and appearance of the area. I am therefore of the opinion that limited weight should be attached to the fallback position. I have also found that the change from an agricultural use to a residential use, granted by the deemed permission, has not as yet taken place. I therefore consider that the absence of the change of use further reduces the weight attributable to the fallback position, given the great weight that I have attached to the development's visual harm.
17. In the context of the consideration of the fallback position I have considered the Inspectors approach taken in determining an appeal at Oaklands Farm (appeal ref: APP/Z3825/W/16/3147410), a decision that the appellant has cited in support of his case. The inspector concluded the development could not be considered to be unacceptable in locational terms. However, the development requiring express permission would have had an appearance more harmful than the scheme benefitting from the deemed permission and that resulted in the Oaklands appeal being dismissed. I have also considered the Garden Cottage Farm (appeal ref: APP/R3650/W/15/3133244). This case is not directly comparable with the appeal before me because for that case the

express permission sought was for one dwelling instead of the three subject to the deemed permission.

Other Matters

18. With regard to paragraphs 214 and 215 of the Framework, the policies of the Local Plan pre-date the Framework but relevant policies of existing plans should be given due weight according to their degree of consistency with the Framework. Notwithstanding Policies ENV3, ENV22 and ENV23 of the Local Plan being adopted in 2000 I consider these policies to be consistent with the Framework, particularly in respect to securing high quality design and taking account of the different roles and characters of different areas and I therefore give them significant weight.
19. In support of this proposal the appellant has made reference to Metropolitan Green Belt (MGB) policy contained within the Framework. The Framework's MGB policies are very specific to the consideration of development in the MGB and I find those policies to have no relevance to this case. The appellant has also referred me to other policies but I do not consider these relevant as they are primarily concerned with replacement of dwellings in the countryside, amongst other matters.

Conclusion

20. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR