
Appeal Decision

Hearing held on 30 May 2017

Site visit made on 30 May 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 19 June 2017

Appeal Ref: APP/C3620/W/16/3163770

Land adjacent to Woodways, Weare Street, Capel, Surrey RH5 5JA

- 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 Nathan Doe against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0758/PLA, dated 6 May 2016, was refused by notice dated 6 July 2016.
 - The development proposed is the erection of 1 No. dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Nathan Doe against Mole Valley District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposal would result in a sustainable form of development having regard to development plan policy and the character and appearance of the area.

Reasons

4. The proposal is for a chalet style dwelling with a detached double garage on a strip of open land fronting the eastern side of Weare Street. The site, originally part of the grounds of Woodways, a bungalow to the south, lies within a group of about 30 dwellings lying on both sides of the road and Woodland Drive, a short cul-de-sac off to one side. Similar proposals for a two storey chalet with double garage and a chalet style bungalow with detached double garage were dismissed on appeal in 2005 and 2014 respectively¹.
5. The site lies well outside the settlement boundaries of Capel and Ockley defined in the Mole Valley Local Plan 2000 (MVLP) and consequently in the countryside for planning policy purposes. As such saved Policy ENV3 of the MVLP applies which deals with development in the countryside beyond the Green Belt. This restricts new housing development to certain limited categories none of which

¹ APP/C3620/A/05/1177701 and APP/C3620/A/14/2218753

apply in this case. However, the Council accept that they cannot currently demonstrate a five year supply of deliverable housing sites and consequently policies for the supply of housing are out of date.

6. As a result Policy CS2 of the Mole Valley Core Strategy 2009 (MVCS), which sets the housing requirement for the district, can only be given limited weight. However, the settlement hierarchy in the policy used to distribute the housing remains valid and is consistent with the National Planning Policy Framework (NPPF)² albeit not currently delivering enough housing land.
7. The appeal site lies about 1.1 km west of Capel and about 1.8 km east of Ockley, the closest villages with a range of services and facilities where new housing is permitted under the settlement hierarchy. The nearest village of Capel includes shops, doctors surgery, school, community centre, public house, recreation ground and churches, but these facilities lie about 2.2 km away by road or 1.8 km by footpath. The nearest available bus stops are also in Capel. With no footways or street lighting along the rural lanes, and the need to cross the busy A24 dual carriageway, walking to the village, albeit possible, would be hazardous and unattractive, particularly at night and in winter. In practice, these disincentives mean that the proposal would rely to a large extent on the use of the private car. The site is within reasonable walking distance of an unmanned railway station with services to Dorking, Horsham and beyond, which provides opportunities for some non-car journeys, but this does not facilitate access to the local villages.
8. Both previous Inspectors concluded that, despite the proximity of the railway station, the site is not in a sustainable location in terms of its accessibility to jobs, services and facilities. The situation has not changed and consequently there is no basis for coming to a different conclusion on this occasion. Location is, of course, only one factor in an overall assessment of sustainability, but this is a significant factor that counts against the proposal.
9. Although situated within open, wooded countryside, Weare Street is semi-rural in character and lined on both sides by detached dwellings of various ages, sizes and designs set in large plots. The dwellings are set well back from the road, some with garages or other outbuildings in front, and many are well screened from the road due to the abundance of mature trees and other vegetation. Some properties appear to have been replaced or extended in recent years but the spacious low density character of the area remains, particularly on the eastern side of the road.
10. The appeal site comprises a strip of undeveloped open land within this area of low density housing, and the proposed chalet style dwelling would be similar in size and appearance to Woodways, the adjacent bungalow. However, due to the insubstantial frontage vegetation and the gently rising site the proposal would be visually prominent when seen from Weare Street. In addition, in order to protect the substantial trees along the northern boundary, the chalet dwelling would be located on the southern half of the site leaving only a narrow gap along the southern boundary with Woodways. The result would be a pair of dwellings unusually cramped together unlike the spacious gaps between most other properties in the area, particularly on the eastern side of the road.

² Including paragraph 55 which seeks to locate housing where it will enhance or maintain the vitality of rural communities.

11. The appellant maintains that the proposal would occupy just 58.5% of the plot frontage compared to an average of 67.4% along Weare Street generally. However, by combining the widths of the dwellings with the garages and outbuildings to the front and with no assessment of screening these figures are not a reliable indicator of the impact of built development on each site.
12. Whilst the number of passers-by would be relatively low, the existing unspoilt appearance of the site would be lost with a substantial residential driveway replacing the current field access with improvements to visibility on each side, the five bar gate being set back and construction of a double garage behind. New frontage planting would take a long time to become effective and would not prevent an inevitable change in the character of the site eroding and detracting from the existing low density, semi-rural nature of Weare Street. Contrary to the appellant's view the proposal would not positively enhance the area by filling an undeveloped gap in a built up frontage.
13. The previous Inspectors concluded that a chalet bungalow with double garage on the site would 'result in a harmful consolidation of built development that would detract from the rural character of this area of the countryside', cause a 'reduction in the open and spacious appearance of the area' and would 'introduce urbanising features that would be alien and incongruous'. Whilst some dwellings in the area have been replaced and/or enlarged the situation has not changed significantly and consequently there is no basis for coming to a different conclusion on this occasion.
14. The appellant argues that the planning balance is now in favour of the proposal due to the housing land supply position, some policies being in conflict with the NPPF and the definition in the NPPF of sustainable development. However, it is clear that the 2014 Inspector considered the scheme in the context of a five year housing land supply shortfall and the presumption in favour of sustainable development set out in paragraph 14 of the NPPF³.
15. In relation to housing land, based on a Strategic Housing Market Assessment (SHMA) published in June 2016, the appellant claims that the Council has only a 2.29 years supply. However, this is based on an unconstrained figure for objectively assessed housing needs. Planning Practice Guidance advises that where local plans such as the MVCS have become outdated, the latest assessment should be considered, but the weight given to the assessment should take account of the fact it has not been tested or moderated against relevant constraints⁴. In the case of Mole Valley these constraints include large areas of Green Belt and the Surrey Hills Area of Outstanding Natural Beauty (AONB). The housing land supply shortfall may not therefore be as serious as the figure of 2.29 years suggests.
16. It is also argued that there has been a significant record of under delivery of housing in the district and thus a 20% buffer should be applied. However, as at April 2016 on the appellant's figures a surplus of 248 dwellings had been delivered against the MVCS requirement or 45 dwellings if the SHMA is taken into account. Whilst much of the housing was built in the first two years it nevertheless constitutes a surplus against policy requirements up to 2016 and does not support the argument that a backlog of unbuilt housing has built up or that a material failure of policy has occurred to date.

³ Paragraphs 20 and 7 of the decision letter.

⁴ Paragraph 030 Reference ID: 3-030-20140306

17. There is undoubtedly a strong need for additional housing in the district which is severely constrained by the Green Belt and the Surrey Hills AONB. Locally, the village of Capel is tightly enclosed on three sides by Green Belt. Only a small part of the district, including Weare Street and Ockley, lies outside these designations. However, the role of existing low density housing areas within the countryside such as Weare Street in meeting wider housing needs is a matter for the new local plan and beyond the scope of this appeal.
18. Sustainable development has three roles, social, economic and environmental, which should be sought jointly and simultaneously through the planning system. In terms of the social role, the proposal would deliver a much needed family size dwelling which would support the Weare Street community and potentially village life in Capel and/or Ockley. The economic role would also be met, with a boost to the local economy during building construction and by ongoing expenditure on services by the occupiers, some at least of which would potentially be spent in the local villages.
19. However, the environmental role would not be met. The proposal would be in an unsustainable location as the occupiers would rely to a large extent on the use of the private car. The proposal would also cause an inevitable change in the character of the site eroding and detracting from the existing low density, semi-rural nature of the Weare Street neighbourhood. Although the dwelling would be built to high energy efficiency standards this would not outweigh these important environmental objections to the scheme which significantly and demonstrably outweigh the benefits of one house when assessed against the policies of the NPPF taken as a whole. Contrary to the appellant's view the planning balance has not significantly changed since the 2014 appeal.
20. For these reasons the proposal would not result in a sustainable form of development having regard to development plan policy and the character and appearance of the area. Whilst the weight to be attached to the policies in the development plan should be reduced in the light of the housing land supply shortfall and subsequent publication of the NPPF, the proposal nevertheless would conflict with Policies CS2 of the MVCS and ENV3 of the MVLP. These preclude housing development outside the defined settlement boundaries of those settlements identified in the spatial strategy hierarchy. The other policies referred to in the decision notice are not determinative in this case. All the other arguments raised in support of the appeal have been carefully considered but do not amount to material considerations sufficient to outweigh the conflict with Policies CS2 and ENV3 of the development plan.
21. The Wisborough Green appeal decisions put forward as a precedent are not comparable as they relate to a site only a short distance from the main core of the village concerned⁵. No local precedents were raised.

Conclusion

22. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

⁵ APP/L3815/C/14/2215278 and APP/L3815/A/13/2209917

APPEARANCES

FOR THE APPELLANT:

Ruth Reed PPRIBA	Green Planning Studio Ltd, Agent
Nathan Doe	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Aidan Gardner BA, DipTP, MRTPI	Senior Planning Officer, Mole Valley District Council
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INTERESTED PARTIES:

Janet & Rob Moore	Local residents
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DOCUMENTS SUBMITTED AT THE HEARING

Agreed Statement of Common Ground

Statement by Mole Valley District Council headed 'Housing Land Supply'

Plan showing site in relation to Capel and Ockley

Plan showing Green Belt and AONB within the district

Skeleton costs application on behalf of the appellant