



Appeal Decision

Site visit made on 1 August 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 29 August 2017

Appeal Ref: APP/M3645/W/17/3171376

Ladyhay Kennels, Hare Lane, Blindley Heath RH7 6JB

- 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 Fairfax Acquisitions against the decision of Tandridge District Council.
 - The application Ref TA/2016/2138, dated 14 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is the demolition of the existing kennels and all associated buildings and structures and erection of 9 detached dwellings and realignment of vehicular access to Hare Lane.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, whether or not there are other considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the proposal.

Reasons

Inappropriate development

3. The appeal site comprises a plot of land located between Hare Lane and a public bridleway known as Crockets Lane. It was formerly associated with Ladyhay Kennels, which comprised a range of buildings within the southern part of the appeal site. There were accessed via a lane running from Hare Lane. The appeal site benefits from an outline planning permission¹ which sought to demolish the existing kennels and all associated buildings and structures, to erect 7 detached dwellings and to realign the vehicular access to

¹ Council Ref TA/2015/851

Hare Lane. The associated reserved matters application² has also been approved. The development to which the planning permission relates has been implemented and appears to have been largely completed, given that all demolition works have been undertaken, the dwellings erected the vehicular access to Hare Lane realigned and landscape works undertaken.

4. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The limited infilling or the partial or complete redevelopment of previously developed sites is not inappropriate, providing it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
5. The Glossary in Annex 2 of the Framework defines previously developed land (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land. It also sets out that it should not be assumed that the whole of the curtilage should be developed. There is no dispute between the main parties that the appeal site constitutes PDL.
6. The proposal, in essence, would introduce two new dwellings onto the appeal site in addition to those already consented and constructed. They would be located within an area of the appeal site which is currently open and undeveloped.
7. It is the appellant's argument that with the two additional dwellings, the footprint and volume of the development as a whole would be less than the footprint and volume of the buildings which previously occupied the appeal site. However, even if this is the case, I would concur with the Council that as all the buildings associated with the former use of the site as kennels have been demolished, these can no longer be taken into account. Thus, it is the current situation of the appeal site and the built form within it which now forms the baseline for assessing whether or not the proposal would be inappropriate development within the Green Belt.
8. On this basis, the introduction of two additional dwellings onto part of the appeal site which is currently and, according to the submitted plans has in the past been, open and undeveloped, would inevitably have a detrimental effect on the openness of the Green Belt. This is notwithstanding that they would not be easily visible from along Crockets Lane and, in views from along Hare Lane, would be seen against the backdrop of and in the context of the existing dwellings on the appeal site. Moreover, this part of the appeal site is located some distance from any built form along Hare Street and could not reasonably be said to be enclosed by it. Rather, it provides an important level of physical separation between built form along this road and the existing development within the appeal site. This adds to the rural qualities of the area. Therefore, to introduce two dwellings onto it would erode the level of physical separation and would thus fail to assist in safeguarding the countryside from encroachment. It would therefore conflict with the purposes of including land within the Green Belt.
9. Consequently, the proposal would not comply with the listed exceptions as set out in Paragraph 89 of the Framework. The proposal would therefore be

² Council ref TA/2016/494

inappropriate development in the Green Belt, which by definition is harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also be contrary to Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014, which together, seek to protect the Green Belt from inappropriate development unless very special circumstances can be demonstrated. Paragraph 88 of the Framework states that in considering a planning application, substantial weight should be given to any harm to the Green Belt.

Openness

10. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. As set out above, the introduction of two additional dwellings onto the appeal site would inevitably and materially reduce its openness. The proposal would therefore be contrary to Paragraph 79 of the Framework.

Other considerations

11. I acknowledge that two additional dwellings would make a contribution, albeit a limited one, to high quality housing supply within the District. They would utilise energy conservation and sustainable building techniques. In addition, they would generate some additional Community Infrastructure Levy payments for the Council. I also recognise that their design would reflect that of the other recently constructed dwellings on the appeal site and some additional landscaping would be incorporated. These matters weigh in favour of the proposal.

Planning balance and conclusion

12. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. I have also concluded that the proposal would harm the openness of the Green Belt. I afford substantial weight to such harm.
13. I have had regard to the other considerations put forward by the appellant in support of the proposal. However, they would not, individually or cumulatively, be sufficient to outweigh the harm to the Green Belt. Consequently, no very special circumstances exist that would justify inappropriate development being allowed.
14. Thus, for the reasons set out above and having regard to all other matters, including traffic, flooding, light pollution, ecology, pressure on local services, access to local services, overlooking and noise and disturbance, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR