



Appeal Decision

Site visit made on 30 May 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 29 August 2017

Appeal Ref: APP/R3650/W/17/3170537

Garages Rose Cottages, Culmer Lane, Wormley, Godalming, GU8 5SR

- 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 Nombans Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1490, dated 14 July 2016, was refused by notice dated 16 November 2016.
 - The development proposed is erection of a single storey detached dwelling following demolition of existing block of 8 garages.
-

Decision

1. The appeal is dismissed.

Background

2. The appeal site is in the Green Belt. Paragraph 89 of the National Policy Planning Framework (the Framework) says that the construction of new buildings should be regarded as inappropriate development in the Green Belt. However, it outlines exceptions to this which include the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. As the proposal would redevelop land on which there is an existing garage block, and would cover only a marginally greater floor area and be only slightly higher, the Council is satisfied that the proposal falls within one of the exceptions and that it would not be inappropriate development in the Green Belt. I have no reason to come to a different view. This is reflected in my choice of issues below.

Main Issue

3. The main issues in this appeal are: **first**, whether the proposed development would conflict with Policies that seek to avoid new isolated homes in the countryside; and **second**, whether any adverse impacts would significantly and demonstrably outweigh any benefits when assessed against the Framework as a whole.

Reasons

Policy on new housing in the countryside

4. The appeal site is in the countryside. It lies amidst an area comprising a loose scatter of development but is well beyond any settlement boundary. Saved

Policy RD1 of the Waverley Borough Local Plan 2002 (LP) identifies rural settlements where infill or other limited development may be acceptable in principle within development boundaries drawn tightly around the main built up part of the settlement. It is in essence a Policy concerned with development in rural settlements, albeit explanatory text says that outside the settlement boundaries there is a general presumption against development. Various Policies have been referred to in an emerging Local Plan. However, I attach them limited weight as there is no evidence as to whether there are any unresolved objections to them.

5. More directly pertinent to development in the countryside is Paragraph 55 of the Framework. This says that new isolated homes in the countryside should be avoided unless there are special circumstances. Such circumstances include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. However, the proposal would involve knocking down an existing, currently disused, garage block and its replacement with a new dwelling. Thus it would not be the re-use of a redundant building specifically provided for in the Framework.
6. Whilst the list of special circumstances in paragraph 55 are not exhaustive they provide a good guide as to what would be acceptable. In my view had it been intended, under its provisions, to allow replacement buildings as well as a re-use then this would have been expressly stated. I appreciate that paragraph 111 of the Framework encourages the effective use of land by re-using land that has been previously developed. However, such generalised statements have to be read taking into account the more specific approach of Paragraph 55.
7. I appreciate that Saved LP Policy DM3 encourages environmentally innovative schemes which minimise the use of non-renewable resources through the re-use of previously developed land and buildings. However, although the proposal is for a dwelling of good environmental credentials it is not so innovative as to comprise a special circumstance to justify its location in the countryside.
8. It is concluded that the proposed development would conflict with National Policies that seek to avoid new isolated homes in the countryside. There would be conflict with paragraph 55 of the Framework.

Other considerations

9. There is a stated absence of a 5 year Housing Land supply. The appellant refers to an appeal decision giving the deliverable housing supply as falling in the range of 3.4 to 4.6 years, and the Council has not disputed this. This is a material consideration in favour of the proposal.
10. The garage block to be demolished is currently unused. It had no conditions imposed on the use nor was it tied to the use of any specific properties. However, their design and location strongly suggests that the garages were at some stage ancillary to residential accommodation. There is nothing to indicate that they can be used for any other purpose. It may be that they could be used in connection with houses elsewhere. However, the potential for this to give rise to any substantial traffic generation/movement is limited by the remoteness of the site. It is unlikely that people from afar would seek to use them.

11. The site is located roughly equidistant between the settlements of Wormley and Witley, said to be approximately 1km away from the site to the south and north respectively. Both settlements lie just to the west of the A283. The appeal site is on the other side of this road. Culmar Lane links the track leading to the appeal site with the A283. Witley is noted by the Council as a village with the good range of services expected in the larger rural and/or suburban villages. Wormley has fewer facilities, but it does have a main line railway station. To some extent the villagers of both benefit from the facilities in the neighbouring settlement.
12. However, both villages are too far away in this rural location for it to be likely that those on the appeal site would walk to them. Both villages appear to be on a bus route along the A283 and this road continues to the north to the larger settlement of Milford. However, Culmar Lane is narrow and unlit and for a large part closely bound by trees. It is not a road that would be at all pleasant to walk along, especially in hours of darkness. Thus those on the appeal site would almost certainly rely heavily on the private car. In terms of access to facilities it is not, as alleged by the appellant, in a sustainable location.
13. The appeal site is off a narrow unmade track leading from Culmar Lane. Off the access track to the north of the site lies a fairly pleasing terrace of small traditionally designed pitched roof 2 storey cottages. They fit in well with the partially wooded surrounding in which they are set. The proposed dwelling would have a side elevation adjoining the southernmost elevation of this terrace and, like the cottages, would front closely onto the track. It would be an elongated flat roof building of a notably modern design with extensive wood cladding, rendered walls and glazing. A lengthy fence abutting the lane to provide privacy to the proposed garden area would add to the elongated nature of the proposal. In size, shape and design, the proposed house would look out of place against the adjoining terrace. Various landscaping improvements are put forward as part of the proposed scheme. However, in this secluded woodland setting they would comprise no significant enhancement.
14. The existing flat roof garages, dating from the mid 1970's, are no things of beauty and are in poor condition. However, with their individual garage doors they appear more broken up than the proposed development and thus less out of scale with the terraced cottages. It is moreover, not uncommon to find structures of this kind in settings such as this. Given the foregoing I find that the proposed dwelling would, on balance, be harmful to the character and appearance of its surroundings. This would be so even though viewpoints of the proposed development would be largely limited to being from the access track to the site. Added weight is given to this harm due to the site's location in the Surrey Hills Area of Outstanding Natural Beauty (AONB). The proposal would be contrary to LP Policy C3 which requires the AONB to be protected and conserved

Other matters

15. There would be some loss of trees on site. However, this would be minimal and cause no harm. It is alleged that the proposed development would take up open land used for residents parking. However, the appellant says that there would be no loss of land which could lawfully be used for parking and there is no substantial evidence to the contrary. The access track is said to be in poor condition and unsuitable for construction traffic. However, it seemed to me no

worse than many such accesses of a type that might often be used by heavy farm vehicles. Contrary to views expressed from what I saw adequate sight lines are provided onto Culmar Lane. The orientation of windows in the proposed house and the provision of boundary fencing would prevent unacceptable overlooking onto neighbouring garden land. Good building practices would prevent harm to wildlife at construction phase. Land ownership issues are seldom determining matters in planning applications and I see no reason why this case should be any different.

Planning balance

16. In the absence of a 5 year housing land supply relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. Where policies are out of date, as in this case, paragraph 14 establishes that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
17. In this case there would be a social benefit in providing new housing, albeit greatly limited by the poor location of the site in terms of accessibility to facilities. There would be some economic advantage through jobs at construction phase and possibly later through expenditure in the area. However, any such advantages would be minor given the limited scale of the proposal.
18. Set against the limited benefits referred to above would be environmental harm arising from the poor location of the site and the resultant likely increase in private car usage. I attach substantial weight to this. The Framework seeks to ensure that new development is in locations which reduce greenhouse gas emissions and to avoid new isolated homes in the countryside. In addition there would be, on balance, harm to the character and appearance of the area and added weight is attached to this by the site's location in an AONB.
19. Given the above I find that, taken overall, the harm I have identified is of a degree that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Policies in the Framework taken as a whole. The proposal would not be sustainable development and would be contrary to the development plan when read as a whole.

Conclusion

20. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR