
Appeal Decision

Site visit made on 16 July 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/M3645/W/19/3223242

Land between Briar Cottage and Rose William Cottage, Weatherhill Common, Smallfield, Surrey RH6 9JF

- 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 John Stevens against the decision of Tandridge District Council.
 - The application Ref TA/2018/2098, dated 12 October 2018, was refused by notice dated 28 January 2019.
 - The development proposed is a detached 3 bedroom bungalow with off road parking to the rear of the proposed building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - (a) whether the proposal would constitute inappropriate development in the Green Belt, including its effect on the openness of the Green Belt,
 - (b) whether this would be a sustainable location for an additional dwelling,
 - (c) the impact of the proposal on the living conditions of adjoining occupiers,
 - (d) compliance with a policy requirement for renewable energy,
 - (e) the impact of flooding on the proposal, and
 - (f) if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal site is a rectangular plot that is predominantly laid to lawn with an access to its northern end to a private drive that leads to Hathershaw Lane. It is located between two dwellings, Briar Cottage and Rose William Cottage, that are part of a row of five detached dwellings accessed from the private drive. The site and surrounding area are within the Green Belt.

4. The appellant contends that the proposal is not inappropriate development as it is not on undeveloped farmland but relates to a secluded residential area. Paragraph 145 of National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it complies with a stated exception. One of these relates to the limited infilling of villages. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (TLP) are consistent with the Framework and list limited infilling within defined villages as an exception to inappropriate development. The site is within a small cluster of dwellings adjacent to Weatherhill Common and there are other dwellings along Weatherhill Road to the south, but these do not form part of a defined settlement. The nearest settlement is Smallfield to the east of the site beyond the M23 Motorway. The proposal would not satisfy this exception to inappropriate development.
5. Another exception relates to previously developed land subject to there being no greater impact on openness in the Green Belt. Paragraph 133 of the Framework states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"*. Whilst the site appears well maintained, I have not been provided with any information to indicate that there have been buildings on this site. Moreover, the proposal would result in a two storey building 8.5m deep x 8.6m wide that would have greater impact on the openness of the site than the present situation. The exception relating to previously developed land does not apply.
6. None of the exceptions to inappropriate development listed in either the Framework or in Policy DP13 of the TLP apply to the appeal proposal. I therefore consider that it amounts to inappropriate development in the Green Belt. Paragraph 143 of the Framework states, *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.

Sustainability

7. The site is within a largely undeveloped area but is bounded by residential development to both flanks and is not far from other dwellings fronting the road linking Smallfield with Horley. There is a bus service along Weatherhill Road providing a link to these settlements where some day to day needs can be provided. But it is likely that occupiers of the proposed dwelling would be heavily reliant on the use of a private car to access most services as the site is outside of and set away from Smallfield, the nearest settlement.
8. The appellant points out that such a pattern of activity is not likely to be any different to that of occupiers of existing dwellings nearby. Although housing has been built in this relatively isolated location and as ribbon development along Weatherhill Road, the current proposal has to be considered against current planning policies relating to sustainable development. Policy CSP1 of the Tandridge District Core Strategy (2008) (CS) promotes sustainable patterns of travel and development within existing built up areas in accordance with a defined settlement hierarchy and strategy. Policy DP1 specifies a presumption in favour of sustainable development in accordance with the provisions of the Framework. Whilst the proposal would be in keeping with the character of the area it would nonetheless be contrary to local and national policies on sustainable development.

Living conditions for adjoining occupiers

9. The proposed dwelling would be sited roughly in line with Briar Cottage to the west and behind the rear line of Rose William Cottage to the east. It would have a chalet style design with front facing dormer windows and flank windows at first floor level within gable ends. The east facing gable windows to two bedrooms would overlook the rear patio and rear facing windows to Rose William Cottage. The front dormer windows would obliquely overlook in this direction and also overlook ground floor side windows at Rose William Cottage. The building would have an overbearing presence for the occupiers of Rose William Cottage given its massing and proximity. Some overlooking could also arise from staircase windows in the west facing first floor gable that would face side windows at Briar Cottage.
10. The proposal would thereby be contrary to Policy CSP18 of the CS and Policy DP7 of the TLP which both seek to protect the amenity of occupiers of neighbouring properties in relation to overlooking, loss of privacy and an overbearing effect arising from new development. The appellant points out that the dwelling would be sited in a cluster of buildings no closer to the boundary than other dwellings, but this does not negate or address the harm and conflict with development plan policies that I have identified.

Renewable energy

11. The proposal does not include details on how the dwelling would comply with the requirements of Policy CSP14 of the CS that requires new dwellings of 1-9 units to provide a 10% saving in carbon dioxide emissions through renewable technologies. If the proposal had been acceptable in other respects, I would have included a planning condition to ensure compliance with this policy.

Flooding

12. The site is located within Environment Agency (EA) Flood Zone 2. The appellant has provided flood analysis within the Design and Access Statement, but this does not include specific measures to address relevant EA standing advice that recommends drawings showing finished floor levels above estimated flood levels together with any necessary flood resistance and resilience measures. The appellant contends that such matters could be deferred for approval to a later stage and points out that neighbouring dwellings would be in the same Flood Zone. However, notwithstanding the existence of other dwellings subject to the same zoning, a new dwelling in this location should satisfy flood risk concerns as a matter of principle at the planning stage. The proposal would be contrary to EA standing advice, to Policy DP21 of the TLP and Paragraph 155 of the Framework that all require appropriate flood precautionary measures.

Other matters

13. The proposal would have the benefit of providing an additional housing unit that would be in keeping with the design and character of neighbouring dwellings. However, these benefits would not outweigh harm arising from the proposal amounting to inappropriate development in the Green Belt, from this not being a sustainable location for a new dwelling, and from the harm arising to living conditions of adjoining occupiers and in respect of flooding. Very special circumstances therefore do not exist. The proposal would be contrary to Policies DP10 and DP13 in relation to safeguarding the Green Belt.

Conclusion

14. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR