



Appeal Decision

Site visit made on 11 September 2019

by L Crouch BA (Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/C3620/W/19/3232094

Land East of Horsham Road, Capel RH5 5JH

- 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 P Phillips against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0131/PLA, dated 22 January 2019, was refused by notice dated 10 May 2019.
 - The development proposed is creation of a vehicle access (and associated track) from Horsham Road (A24).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

3. The appeal site is a large open field situated within the countryside and adjacent to the A24 Horsham Road. The field boundary to the A24 is formed by a hedgerow, which subtly varies in its height and density, but still appears as a consistent run of hedging. I was able to see from my site visit that the variation in height of the hedge does enable visibility through to the field beyond, which is also aided by the rise in the land towards the rear of the field. Hedging and trees form the other boundaries to the field and provide a rural backdrop to the A24. The continuous field hedging bordering the A24 in this location can be appreciated within this rural setting.
4. The proposed vehicle access involves the removal of a section of the hedgerow fronting onto the A24. This proposed access, which would include concrete surfacing to the entrance, would enable vehicles to access an as yet unbuilt agricultural barn towards the eastern field boundary, which has permission by prior notification¹. This appeal proposal also includes an aggregate surfaced track to cross the field to the future barn, which will be located at the top of the field.
5. The loss of an approximately 6m wide section of hedgerow, and an approximately 10.5m bell mouth of concrete surfacing, would create an uncharacteristic open gap within the continuous roadside field boundary in this

¹ Council reference MO/2017/1645

location. This would be exacerbated by its positioning on the bend where it would be particularly prominent. The opening when combined with the significant extent of concrete surfacing would create a hard, alien feature, which can be seen in combination within its countryside setting. Despite not impacting on any trees, the access would as a result have a harmful impact on the character and appearance of the area.

6. Despite the appellant contending that there are no alternative practical access arrangements, the proposed access track due to its width, at approximately 6m, and its length, where the track follows the existing landform and stretches across the full majority of the depth of the field upwards towards the eastern boundary, would in combination with the proposed stark materials, create a formalised feature, which would appear from the surroundings as an obtrusive hard, alien feature within the rural landscape, sub-dividing the field and appearing visually at odds with its open character. Subsequently, the proposed track would not respect the character and appearance of the locality, rather than having a minimal impact as suggested by the appellant it would have a harmful negative effect.
7. The appellant contends that the access and track is required to facilitate and deliver economic benefits arising from the use of the best and most versatile agricultural land as supported by paragraph 170 (b) of the National Planning Policy Framework (the Framework). My attention has also been drawn to paragraph 83 of the Framework, which also supports a prosperous rural economy. However, given the harm that I have found on character and appearance, and also having regard to the Framework's clear emphasis on recognising the intrinsic character and beauty of the countryside, and good design, I do not consider the development acceptable overall.
8. The appellant states that along this stretch of the A24 there are examples of dwellings and buildings, some with associated tracks, which benefit from an access onto the road. However, no specific examples have been provided to draw direct comparisons. I could see from my site visit that where there were accesses, they were of a different context to the appeal site, with those accesses immediately opposite the appeal site relating to dwellings close to the road of a more built-up character, rather than open countryside.
9. The appellant has drawn my attention to Policy ENV3 from the Mole Valley Local Plan 2000 (LP), which is supportive of reasonable needs of agriculture. However, development is not acceptable if it adversely effects its open character, which I have found to be the case here.
10. For the reasons above I find that the development would have a harmful effect on the character and appearance of the area and would fail to respect the rural character of the area. The proposal would conflict with Policy ENV22 of the LP and the Framework emphasis noted above. This policy and guidance seek amongst other things, to ensure that development is appropriate in scale, form and appearance, respects the character and appearance of the area, and has regard to natural features such as hedges.
11. The appellant has drawn my attention to Policy CA-ESDQ6 of the Capel Neighbourhood Development Plan 2017, which seeks amongst other things for development to 'maintain a visual connection with the countryside'. As the development would result in the harmful loss of a section of hedgerow, which is

a feature which provides a visual connection with the countryside, I consider that the proposal would not accord with this objective.

Other Matters

12. I note that interested parties have raised objections to the access for highway safety reasons. However, the Council and Highway Authority have not raised any concerns about the impact of the proposed access on highway safety. I do not have any substantive evidence presented to conclude otherwise in this case.
13. I recognise that the decision to refuse planning permission was a Member overturn at Planning Committee, however this is part of the democratic process, and this does not affect the weight I place on the issues in this case.
14. The appellant has also brought to my attention several Judgements², which amongst other matters have indicated that proposals do not have to slavishly adhere to every policy within the Development Plan. However, the conflict with Policy ENV22 of the LP I find to be significant and to be over-riding.

Conclusion

15. For the reasons given above, I conclude that the appeal be dismissed.

L Crouch

INSPECTOR

² Stratford on Avon v SSCLG (2014) JPL 104, Cala Homes (South) Limited v SSCLG (2011) JPL 1458 and Tesco Store Ltd v Dundee City Council (2012) 2 P.&C.R.9.