
Appeal Decision

Site visit made on 17 September 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/C3620/W/19/3232249

Meadowview, Commonsides, Bookham KT23 3LA

- 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 Bailey against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0464/PLA, dated 12 March 2019, was refused by notice dated 13 June 2019.
 - The development proposed is the demolition of outbuildings and erection of detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the site and surrounding area;
 - If the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145. One such exception is the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

4. Policy CS1 of the Mole Valley Core Strategy Development Plan Document 2009 (CS) sets out the spatial strategy for new development. It states that, in the countryside, development will be considered in the light of other policies in the Core Strategy and the provisions of Planning Policy Guidance Note 2 (PPG2). The Framework has replaced PPG2 and sets out the Government's planning policy in relation to the Green Belt.
5. Previously developed land is defined in Annex 2 of the Framework. The definition specifically excludes land that is or was last occupied by agricultural buildings, but can include land such as residential gardens, where they are not in built up areas.
6. The appeal site consists of an area of land adjacent to a detached bungalow. It contains several outbuildings, including a large outbuilding which was in use as a workshop and garage at the time of my site visit. There is a further outbuilding which is referred to as a classroom but was being used for storage, and a small shed. The appeal site is bordered on three sides by the garden of the existing bungalow, and by an area of open grass with some further outbuildings. The existing bungalow and surrounding land are indicated as being within the ownership or control of the appellant, and are not separated from the appeal site by any boundary treatment.
7. The appellant maintains that the appeal site is previously developed land as it has been used for purposes ancillary to the residential use of the bungalow, and that the agricultural use of the land has ceased. However, an application¹ for prior approval for the change of use of an agricultural building to a dwelling in 2017, was accompanied by a statutory declaration stating that the building, as well as a number of other buildings and the pasture, were in agricultural use. Prior approval was granted.
8. A subsequent application² was submitted for a certificate of lawfulness for the existing use of buildings and land for ancillary domestic purposes for a period in excess of ten years. This was accompanied by a further statutory declaration which contradicted the earlier declaration. The application was refused in 2018 due to the discrepancy in the information contained in the statutory declarations.
9. While I saw no signs of an active agricultural use during my site visit on the appeal site or the surrounding land, the planning history and statutory declarations are contradictory as to the lawful use of the site. I am not therefore able to conclude that the lawful use of the site is for ancillary domestic purposes. Consequently, I conclude that the site is not previously developed land, as defined in Annex 2 of the Framework. I therefore conclude that the proposal would be inappropriate development in the Green Belt, as it does not meet any of the exceptions referred to in paragraph 145 of the Framework.

Effect on openness

10. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The appeal proposal would result in the removal of six of the outbuildings, and their replacement with a two bedroom bungalow. The footprint of the building would be less than the existing buildings, and would

¹ Ref MO/17/0200

² Ref MO/18/1483

also result in a reduction in the amount of built form on the appeal site. The proposed bungalow would be taller than some of the buildings it would replace, but a similar height to the larger ones. It would be single storey and would have a low roof profile. It would reduce and amalgamate built form on the site.

11. However, the proposal would result in a more intensive use of the site, with the creation of parking and turning, and greater pressure for domestic paraphernalia within its curtilage. I do not agree that this would be mitigated by the size of the curtilage, as it would still be of generous proportions. It would therefore cause a moderate loss to the openness of the Green Belt when compared to the existing situation.

Character and appearance

12. The site is located in a rural area, separated from the built up part of Great Bookham by the area of open grass and a railway line to the south. It is at the end of an unmade track on Commonside, which leads from the built up area of Fetcham through the wooded setting of Bookham Commons, past low density and scattered houses. The appeal site is at the end of the unmade track, and has a more open appearance and rural character. The current buildings on the site are clearly rural and do not appear out of place. The site is well screened from properties on Commonside, by hedges and trees. However, it is visible from houses beyond the railway to the south.
13. While the proposal would reduce the number of buildings across the site, it would result in more suburban appearance. The creation of a separate residential curtilage, with parking, turning and domestic paraphernalia, would erode its rural character. This would be apparent in views from the surrounding area, albeit that these would be glimpsed views from a distance. Although new boundary treatments and landscaping could be incorporated, they would not overcome the suburbanising effect of the proposal on the rural character of the area.
15. I conclude, therefore, that the proposal would be moderately harmful to the character and appearance of the site and the surrounding area. Accordingly, it would be in conflict with Policy ENV22 of the Mole Valley Local Plan 2000 (LP), and CS Policy CS14 which seek, amongst other matters, to ensure that new development respects and enhances the character and appearance of the locality.

Other considerations

16. The appellant has suggested that the proposal would bring a visual improvement to the site through the reduction in built form and its consolidation into one building. However, for the reasons set out above I have found that the proposal would be harmful to the character and appearance of the area.
17. The appellant has put forward three cases which were determined by the same Council. I note that the cases at Roxburgh Park Farm³ and The Hay Barn⁴ relate to previously developed land, and therefore are not directly comparable. The site at Danesmead is not in the Green Belt and was therefore determined in a different policy context.

³ MO/2013/1767PLA

⁴ MO/2018/1040PLA

Green Belt Balance

18. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, the proposal would cause a moderate loss to the openness of the Green Belt, and would be moderately harmful to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
19. I give limited weight to the other decisions referred to by the appellant, as the circumstances are different and each proposal should be considered on its own merits. Consequently, the substantial weight to be given to Green Belt harm, and the moderate harm to the character and appearance of the area, are not clearly outweighed by the other considerations. The very special circumstances necessary to justify the proposal do not, therefore, exist.

Other Matter

20. While not a reason for refusal, the Council and the Surrey Wildlife Trust have raised concern that a bat survey has not been carried out and the Preliminary Ecological Appraisal which was provided with the appeal is out of date. As I am dismissing the appeal for other reasons, I have not pursued this matter further.

Conclusion

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

N Thomas

INSPECTOR