



Appeal Decision

Site visit made on 15 October 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2019

Appeal Ref: APP/C3620/W/19/3232928 Chenies, Woodland Drive, Ockley RH5 5HZ

- 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 Jim Gray of Gray Dungate Poole Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0281/PLA, dated 10 February 2019, was refused by notice dated 12 February 2019.
 - The development proposed is erection of three, five bed houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's statement refers to specific paragraphs within the National Planning Policy Framework (the Framework). However, this has been revised and the paragraphs cited do not accord with the current version¹. Where relevant I have used the current edition of the Framework in my reasoning.
3. The appellant's statement refers to Policy DC1 but this is not listed on the decision notice and as such it weighs neither for nor against the appeal.

Main Issues

4. The main issues are:
 - Whether the development would accord with relevant local policies and national guidance with regard to location and accessibility to services;
 - The effect of the development on the character and appearance of the area; and,
 - The effect of the development on highway safety.

Reasons

Location

5. Chenies is a single storey dwelling located on a cul de sac of similar dwellings in a woodland setting. There is a loose and irregular building pattern comprising very large plots and detached dwellings of diverse style, period and design. Notwithstanding the scattered building pattern, the dominance and

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- density of very large trees, the informal road geometry and construction, as well as limited visibility of built form from the lane gives the area a predominantly rural character.
6. Even in this context, Chenies is a particularly large plot, and contains many mature and imposing trees. The plot boundaries with Weare Street and Woodlands Drive are planted with a mix of native and more ornamental species, and their informal management is consistent with other road boundaries in the area.
 7. Policy CS1 of the Core Strategy (CS) allows limited development and infilling on previously developed land within Capel, and infilling only on previously developed land within Ockley. These villages are both over a mile from the site and separated from it by large tracts of woodland and open countryside. Although Ockley train station is about half a mile away, this is remote from Ockley or any other settlement.
 8. Consequently, it is difficult to see how the development could fall into the category of infilling or limited development within either village. The subdivision of an existing plot outside the villages, does not amount to infilling or limited development within those villages. Policy ENV3 of the Local Plan (LP) sets out exceptions for development in the countryside beyond the Green Belt. New dwellings are not listed as an exception.
 9. The narrow country lanes nearby lack footways and in some places are barely wide enough to accommodate two running lanes. I appreciate that there is farm shop some 500 metres from the site. However, the development is presented as large family housing. There is limited information before me in relation to the location of shops, education or health care. Even if Capel has some of those day to day services, it is 1.7 miles away. The lack of lighting and footways along lanes with poor visibility suggests that future occupiers would be reliant on private cars to access almost all their needs, especially as it is likely children would need to access those services.
 10. There is a limited train service to London or Brighton from Ockley station but parking provision at the station is very limited. Moreover, although the station is within walking distance for able-bodied people, it would not be an attractive proposition in bad weather or after dark.
 11. The appellant argues that amenities are within cycling distance, but it cannot be presumed that future occupiers would wish or have the capability to cycle.
 12. Paragraph 77 of the Framework states that in rural areas planning decisions should be responsive to local circumstances and support housing developments that reflect local needs. There is nothing before me to suggest that the provision of five bedroomed homes reflects local need.
 13. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of local communities, with particular regard to local services. There may some minor benefit to the farm shop arising from the development. Support from three dwellings for such services as are available in Ockley and Capel would be limited. I concur with interested parties that future occupiers are highly likely to be reliant on journeys to Dorking for their needs. My reasoning in this regard is reinforced by an appeal decision for a nearby site where the Inspector concluded that despite the

proximity of the railway station, the site was not in a sustainable location². There is nothing before me to suggest that there has been a significant increase in local amenities since that appeal.

14. The appellant argues that there is a local community group on Weare Street, but no further evidence is provided and in any case this is disputed by an interested party. Mention is also made of social groups and amenities in Capel, but there is limited information before me in this regard. In any case, the availability of social activities in Capel does not alter my reasoning with regard to the reliance on private transport.
15. In the light of the above, I conclude that the development would fail to accord with relevant local policies or national guidance with regard to location and accessibility to services. It would be contrary to CS Policies CS1 and CS2 which set out the Council's spatial strategy and identify areas suitable for new residential development. It would also fail to meet the provisions of Paragraphs 77 and 78 of the Framework, and LP Policy ENV3 as set out above.

Character and appearance

16. The development would comprise three large detached dwellings, each two storeys tall with roof accommodation. Although the dwellings' designs vary slightly they have very similar height, bulk, styling and articulation. Their rather simple and boxy typology, and the expansive glazing on the rear elevations in particular, appears more representative of a suburban estate than this essentially rural setting.
17. Two dwellings would be located within about 15 metres of the lane and aligned on a common building line. The layout's geometry and proximity to the lane would be uncharacteristic of the surrounding development pattern. I noticed some large trees near the road boundary. These make a highly positive contribution to the rural and spacious character of the area and the lane, and it is unclear from the drawings which of the existing trees would be retained.
18. Moreover, although the site's boundary vegetation provides some screening, it is not entirely evergreen. It seems likely that even if retained Plots A and B would be visible from the lane, particularly in winter. I appreciate that additional screening could be provided. However, in my experience occupiers are rather intolerant of the overshadowing and debris arising from mature trees where they are close to dwellings and hardstanding areas. Even if additional screening was required on this boundary, it seems highly likely, given the proximity of the dwellings, that it would be lower and more formal. For similar reasons it seems likely that over time much of the mature and naturalistic vegetation on the Weare Street boundary, currently close to the boundary would be removed. As such, I give limited weight to the argument that the development would not alter the site's appearance.
19. Furthermore, it seems that if the development was allowed, visibility splays would be required at the access for Plots B and C. Although it is unclear what their exact geometry might be, any improvement in visibility towards the right would require the removal of some boundary vegetation. This reinforces my reasoning that the site's appearance would be altered and the existing buffer between the current building pattern and the lane would be diminished.

² APP/C3620/W/16/3163770

20. The layout does not identify tree species, their size, condition or which would be retained or removed. Consequently, it is difficult to ascertain to what extent the proposed layout has been informed by the existing trees. The Design and Access statement notes that trees are to be retained where possible, but this does not provide clarity. I appreciate that a limited number of new trees are shown on the layout but this does not address my concerns in relation to what would be removed and the consequent impact on the character and appearance of the area.
21. The appellant argues that the development would recreate and continue the settlement pattern of this section of Weare Street. However, there does not appear to be a particular settlement pattern or even a consistent building line along Weare Street. Moreover, it is the spaciousness and irregularity of the underlying building pattern and typology that gives the area its distinctiveness. The introduction of three nearly identical estate style dwellings, would be highly incongruous, and would represent a distinct urbanisation of this stretch of Weare Street.
22. I acknowledge that there is a tighter development pattern a little further down Weare Street. However, it remains that there is diversity in layout and styling, which would not be the case here.
23. I am unclear why the unruly and overgrown boundary hedge is incongruous in the street scene. It is precisely this informality that characterises and contributes to the lane's rural character.
24. The appellant argues that the dwellings would be sympathetic to their setting but for the reasons given above, I disagree. The track record of the architect weighs neither for nor against the appeal. Each appeal is determined on its merits and I conclude that the development would fail to relate to, respect or reflect its context. It would therefore have an adverse effect on the character and appearance of the area.
25. Consequently, the proposals would be contrary to LP Policy ENV22 which requires development to be appropriate to the site in terms of its scale, form and appearance, to respect the character and appearance of the locality, and to have regard to features such as trees that contribute to the character of the locality, amongst other considerations.
26. It would also fail to respect its setting in terms of the scale, character, bulk and proportions of the surrounding built environment, as set out in LP Policy ENV23, and would detract from the character of the local landscape as required by LP Policy ENV4. These cited policies are generally supported by and consistent with the Framework.

Highway safety

27. Surrey County Council (SCC) has advised that in the absence of a speed survey, they have to base their recommendations on the basis that vehicles might be travelling at up to 60mph. Whilst I appreciate the appellant's argument that vehicles are generally travelling at much slower speeds, due to road width and poor visibility, there is no evidence before me to substantiate the argument that a splay for 60mph would not be needed.
28. It appears that the geometry of visibility splays for 60mph could not be achieved within the site and there is nothing before me to indicate that the

land required is within the appellant's control. Although I appreciate that further details for the provision and layout of splays could be required by condition, there is too much uncertainty to enable me to conclude that a condition could provide the appropriate mitigation to address highway safety concerns.

29. I acknowledge that the proposed access is currently used for service access, but its frequency of use is likely to be very different from that required by two five bedroomed dwellings. I also appreciate that other dwellings along the road may have sub-standard access, but this does not justify creating new hazards.
30. The development would therefore conflict with LP Policy MOV2 which requires development to be compatible with transport infrastructure, and the safety requirements of SCC's Surrey Transport Plan, Objective 3. It would also fail to meet the requirements of Paragraph 108 of the Framework which requires that safe and suitable access should be achieved for all users.

Other matters

31. The appellant has indicated that a Section 106 agreement would be acceptable to address concerns. However, there is nothing before me to suggest that the issues set out in the Council's reasons for refusal could be addressed through such an agreement.

Planning balance

32. It is not disputed that the Council cannot demonstrate a five year housing supply. Accordingly, the decision maker has to have regard to Paragraph 11 of the Framework. However, even where the Council cannot demonstrate a five year housing supply, local policies still carry some weight. Paragraph 12 of the Framework states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Furthermore, there is nothing before me to suggest that the policies cited in the decision notice are not consistent with the Framework.
33. The appellant argues that the family accommodation would have social benefits but there is nothing before me to suggest that this is needed in this particular location. Even if there is a shortage of large family accommodation in the Council's area, it seems that it would be better located closer to established amenities. Moreover, three dwellings would make a very modest contribution to the Council's housing requirements.
34. There would be limited economic benefits to be gained from development through the one-off construction process and potentially some ongoing use of the farm shop. However, it remains that the site is remote from everyday services and future occupiers would be highly dependent on private transport. Moreover, the development would have an adverse effect on the character and appearance of this very distinctive and predominantly rural area.
35. Consequently, I conclude that the adverse effects of the development would significantly and demonstrably outweigh the limited benefits, when assessed against policies in the Framework, taken as a whole.

Conclusion

36. The development would be contrary to relevant policies in the Core Strategy, Local Plan and national guidance. Consequently, the appeal should be dismissed.

A Blicq

INSPECTOR