
Appeal Decision

Site visit made on 22 October 2019

by Rajeevan Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2019

Appeal Ref: APP/D3640/W/19/3233624

Land South of Arandale, Rectory Lane, Windlesham GU20 6BW

- 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 and Mrs Tear against the decision of Surrey Heath Borough Council.
 - The application Ref 18/0986, dated 5 November 2018, was refused by notice dated 5 April 2019.
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The absence of a financial contribution towards site access management and monitoring measures (SAMM) required to mitigate the effects of the development on the integrity of the Thames Basin Heaths Special Protection Area, was a reason for refusal of planning permission. The Council has indicated that the required contribution has since been paid and has therefore withdrawn this objection. Had I been minded to allow this appeal it would have been necessary for me to seek further information in relation to this matter. However, as I have concluded that the appeal should be dismissed on other grounds, it will not be necessary for me to consider this matter further.

Main Issues

3. The main issues are:
 - whether the proposal amounts to 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 area;
 - if the development is inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

Whether inappropriate development

4. The appeal site comprises an undeveloped greenfield site, approximately 0.095 ha¹, fronting Rectory Lane within land designated as Green Belt. The site is located between the existing houses of Arandale, occupied by the appellants and Braeholme.
5. National policy on Green Belt development is set out in Part 13 of the National Planning Policy Framework (Framework). Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Of particular relevance to this appeal is Paragraph 145 which states that the construction of new buildings is inappropriate development in the Green Belt subject to a number of exceptions. One of these exceptions is for limited infilling in villages (criterion e).
6. With regards to 'limited infilling' given that the proposed development would occupy what is a gap between two existing dwellings, and would comprise a single dwelling, I am satisfied that the development would involve limited infilling.
7. Case law has established that it is necessary to consider whether, as a matter of fact on the ground, a site is within a village. Figure 1 of the Windlesham Neighbourhood Plan, 2019 (WNP) identifies two main settlements areas within Windlesham, which have a higher density than their surrounding areas. The two main settlement areas are not connected, and the areas outside of the main settlement areas, including the appeal site, have a more rural character, with smaller groupings of buildings, surrounded by larger areas of open space. Indeed, both parties agree that the site is 250m from the western edge of the Windlesham Settlement Area boundary². It is also apparent that the group of buildings surrounding the appeal site is clearly separated from the main settlement area of Windlesham by the adjacent open fields to the rear of the site.
8. As such, notwithstanding the appellants close connections with the village community, and its relative proximity to the nearby services including a public house and church, I find that 'on the ground' the appeal site cannot be considered to be within the built confines of the village. Therefore, in respect of the Framework, I find that the proposal would not constitute limited infilling in villages, in conflict with paragraph 145 (e) of the Framework.
9. Another exception listed under paragraph 145 of the Framework is limited infilling, which would not have a greater impact on the openness of the Green Belt than the existing development (criterion g). The proposal would sit comfortably between the existing buildings either side of it. However, the new building would nevertheless have a greater impact on the openness of the Green Belt than the existing, where no building currently exists. In this respect the new building would, unavoidably, lead to a material reduction in the openness of the Green Belt, in conflict with paragraph 145 (g) of the Framework.

¹ Taken from the appellants' full statement of case.

² Taken from the appellant's Design & Access and Supporting Planning Statement and referred to in the Officer's Report.

10. In conclusion, the development would not satisfy any of the other exceptions in paragraphs 145 and 146 of the Framework. As such the proposal would amount to inappropriate development in the Green Belt. In reaching this conclusion, it is of note that paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Effect on the openness of the Green Belt

11. Paragraph 133 of the Framework identifies that one of the essential characteristics of Green Belts are their openness and their permanence. The Courts have held that openness includes both visual and spatial dimensions.
12. The appeal site comprises undeveloped greenfield surrounded by established hedge line fronting the road. The construction of the new dwelling would reduce the open and undeveloped qualities of the site. Furthermore, due to the prominent location of the site fronting the lane, the proposal would have a significant effect on openness in both visual and spatial terms. Overall, due to the context of the site, with buildings either side, I consider that the harm caused to the openness of the Green Belt would be a moderate one. I attach substantial weight to this harm.

Character and appearance

13. Taking account of the prevailing sense of openness of the site and view of the fields beyond the site, the lane has a rural character and feel. The site acts as a break in the built form on the eastern side of the lane between the existing dwellings of "Arandale" and "Braeholme".
14. The proposed dwelling would erode this openness. Whilst the set back position, and chalet design with barn style appearance, retention of the front hedge would help reduce the prominence from the lane, the dwelling would detract from the open setting to the side of these neighbouring properties. The proposal would adversely affect the rural character of the surrounding area. Whilst this impact would be limited to the surrounding vicinity of the site, it would still be significant.
15. Together with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having an urbanising effect upon it. The proposal would be located outside of the main settlement areas of the Windlesham and would reduce the undeveloped qualities of the site. As a consequence, there would be harm to the character and appearance of the area, contrary to criteria (ii) of Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies, 2012 ('the Core Strategy'), which states that development will be acceptable where it respects and enhances the local, natural or historic character of the environment be it in an urban or rural setting.

Other considerations

16. The Council is satisfied that the proposal does not raise any harm to the living conditions of neighbouring occupiers. I also agree that the new dwelling could be provided on this site and still maintain a sufficient distance from existing neighbouring properties. Similarly, the Council raise no objection, subject to conditions, with regards to ecology and highway safety. I have no reason to disagree with the Council's professional assessment of these matters.

17. There is a grade II listed building at Birch Hall, and the Windlesham Church Road Conservation Area (CA) lies on the opposite side of the Lane. I note that the Council raised no objection to the proposal with regards to both of these heritage assets. From the evidence before me and from what I saw on site, and the location of the appeal site, I find no reason to disagree with the Council and conclude that the setting of both the listed building at Birch Hall and the adjacent CA would not be harmed. It would therefore comply with CS Policy DM17, which seek to promote the conservation and enhancement of the Asset and its setting. However, these aforementioned matters are all of neutral consequence in the overall planning balance.
18. The appellants contend that the development would be built to the highest sustainability standards in terms of insulation and energy efficiency and would have full disabled/wheelchair access in accordance with Building Regulations Part M4 (3). I also note that this is a self-build project and is intended to be used for the appellants as their retirement home. These are positive matters which support allowing the proposal.
19. It is also claimed that the proposal would result in no harm to the openness of the area, owing to the enclosed context of the site and surrounding features. However, I have already found that the development would be harmful to openness. I also note that planning permission was granted in 1959 for a chalet bungalow on this site. However, this was approved some time ago and well before the current local plan and Framework policies. As such I do not consider that either of these factors provides support for the current proposal.
20. It is also contended that this current proposal is similar to a recent approval for a dwelling on land at 80 Guildford Road, Bagshot³. However, the location of that site is different to the appeal site, and I do not know the full circumstances which led to that approval. As such, I cannot be sure that the circumstances of that decision are directly comparable to the appeal before me. However, I note that that site was located on the edge of the village, which is materially different than the current appeal site. I have therefore determined the appeal on its own merits, and in accordance with local and national policy.
21. I recognise that there are policies in the Core Strategy, WNP and Framework that are supportive of the provision of additional housing. Whilst there would be some very modest social and economic benefits associated with the proposal, the provision of one additional dwelling would make little difference to the overall supply of housing in area. The site is also located relatively close to the village of Windlesham and therefore would have reasonable accessibility to services, facilities and public transport. It would also help to support local services and facilities and provide investment in terms of its construction. However, I give these additional benefits limited weight as it appears to me that these benefits would be likely to be no greater than if the additional dwelling were to be constructed elsewhere, outside the Green Belt.

Whether any very special circumstances exist - Conclusion

22. There is a dispute as to whether there is a 5 year Housing Land Supply. Paragraph 11 of the Framework recites the presumption in favour of sustainable development and sets out what it means for decision-taking. However, the 'tilted' balance within Framework paragraph 11 d ii would not

³ Council Ref:18/0610

apply because the application of policies within the Framework that protect the Green Belt (paragraph 145) provide clear reasons for refusing the development proposed. In such circumstances, the presumption in favour of sustainable development does not apply and it is necessary to balance benefits and harms in an ordinary, unweighted planning balance.

23. I have found that the development would amount to inappropriate development in the Green Belt. This is a matter to which I afford substantial weight. In addition, I have found that moderate harm would be caused to the openness of the Green Belt, and that the development would also harm the character and appearance of the area. The adverse impacts need to be weighed against the identified other considerations, noting that there would not be significant benefits.
24. In conclusion, the substantial weight to be given to Green Belt harm, and the other identified harm arising from the development, is not clearly outweighed by the other identified considerations sufficient to demonstrate very special circumstances. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR