The Planning Inspectorate

Appeal Decision

Site visit made on 3 September 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/D3640/W/19/3228996
Land East of Penny Cottage, Grid Ref SU956617, Bagshot Road, Chobham, Woking GU24 8SJ

- 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 J Robb against the decision of Surrey Heath Borough Council.
- The application Ref 18/1094, dated 14 December 2018, was refused by notice dated 13 March 2019.
- The development proposed is construction of new single detached two-storey dwelling and garage with reconfiguration of existing driveway and garden hard and soft landscaping.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application shows the red line boundary of the site as the area of former paddock but excludes the area of highway verge over which a new vehicle access is shown on the plan. I do not regard this as a serious omission, but were I to allow the appeal it would be necessary for the appellant to seek consent from the Council for the works falling outside the appeal site.

Main Issues

3. The appeal site is within the Green Belt, therefore the main issues are:

   - whether the proposal would be inappropriate development;
   - the effect on the openness of the green belt; and
   - whether the proposal would cause any other harm, namely the effect of the setting of designated heritage assets, and the character and appearance of the wider area.

4. If the proposal is inappropriate development, consideration must be given to whether any harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

The site and its location

5. The appeal site is formed by an area of paddock adjacent to Bagshot Road. To either side of the site are existing residential properties, Penny Cottage and Maltmans, and on the opposite side of the road there is a well landscaped area of open land which appears to be the gardens to another residential property, Brook Place.

6. The village of Chobham lies a significant distance to the east of the site, and West End slightly closer to the south west. The area around the site contains some residential development. On the approach from Chobham, there is a line of houses to the south side of Bagshot Road, which are typical of ribbon development, ending at a property on the opposite side of the road to Maltmans. Similarly, when approaching from West End there are houses to the north side of the main road. Penny Cottage marks the end of this line of development. The site lies in an area to the north side of the road which is largely undeveloped with houses or other structures until Clappers Lane is reached on the outskirts of Chobham. Exceptions to this are Maltmans and what appears to be a disused factory or depot. Beyond and to the north of the site is an open paddock and fields and hedgerows. The overall character of the area could therefore be described as semi-rural.

Whether inappropriate development

7. The site and its surroundings are within the Green Belt. The National Planning Policy Framework (the Framework) establishes that the Government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence. The Green Belt serves five purposes including to check the unrestricted sprawl of large built up areas, prevent neighbouring towns merging into one another and assistance in safeguarding the countryside from encroachment.

8. For the purposes of the Framework, with certain exceptions, the construction of new buildings within Green Belts is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances.

9. A number of exceptions to this general principle are set out within the Framework, including whether the proposed development would constitute limited infilling within villages. The focal point of the dispute regarding the acceptability of the proposal is whether the site can properly be defined as such limited infilling.

10. The site does not, as a matter of fact, lie within a defined village in terms of the Surrey Heath Core Strategy and Development Management Policies[1] (the Core Strategy). However, I have also considered whether it could more generally be considered to lie within a village setting. The site is bordered on two sides by existing dwellings. However, given the irregular pattern of development along Bagshot Lane, I find that there is no sound basis for finding that it is in any sense within a village. This finding is reinforced by the point that even though there are more or less continuous stretches of linear

[1] Adopted February 2012

development on certain sections of the road between Chobham and West End, the site is located at a point, and to the side of Bagshot Lane, where the linear pattern is broken. Therefore, I do not agree with the appellant's contention that the boundaries of the residential development along Bagshot Road have merged.

11. The appellant has also put forward an argument that the site could be considered to be previously developed land. My understanding of the point is that the site has previously been used for paddock and therefore could be expected to have some buildings within it were that use to resume. In the absence of any evidence that the site has previously contained any permanent structures the argument does not hold substance. The appellant also speculates that the land may once have been part of the curtilage of Penny Cottage, and for that reason could be considered to be previously developed. Even were that to be the case, and the appellant has provided no evidence to substantiate the point, the site clearly no longer forms part of a residential curtilage.

12. I therefore conclude that the proposal would not meet any of the exceptions provided for in paragraph 145 of the Framework and would constitute inappropriate development, which the Framework establishes should not be approved except in very special circumstances.

Effect on openness

13. In terms of the openness of the Green Belt, the development of the site would have a significant adverse effect through the loss of what is currently a gap in the pattern of development along Bagshot Road.

14. An argument put forward by the appellant is that the proposal would have a smaller footprint than either Penny Cottage or Maltmans, and therefore would cause no greater harm to the Green Belt than those properties. However, the site, due to its size and pastoral character, makes a significant contribution to the openness of the Green Belt. Were it to be developed as proposed the contribution the site makes to this openness would be lost, in both visual and spatial terms. It would also conflict with one of the main purposes of the Green Belt, to assist the safeguarding of the countryside from encroachment.

15. I therefore conclude that the proposal would harm the openness of the Green Belt, contrary to the fundamental aim of the Green Belt, as set out in the Framework, to prevent urban sprawl by keeping land permanently open.

Any other harm – effect on designated heritage assets and character and appearance

16. The properties adjoining the site, Penny Cottage and Maltmans, are both Listed Grade II. On the opposite side of Bagshot Road is another listed building, Brook Place, listed Grade II*. Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) there is a duty to consider whether granting planning permission for the proposal would preserve these listed buildings or their settings or any features of special architectural or historic interest which they possess.

17. Penny Cottage, according to the listing details dates from around the 18th Century, and is listed due to its group value with Brook Place. It is heavily screened from the site by vegetation, and has been altered through the

addition of a modern attached garage. In this context, the proposal would have a neutral effect on the setting of Penny Cottage.

18. Maltmans is also well screened from the site and the road. It dates from the late 16th Century, with a 20th Century addition. The building is timber framed, with a front facing gable and half hipped side roofs, including some dormers. In the absence of any evidence that the site has some historical association with Maltmans, I find that the proposal would still have a slight adverse effect, due to the further urbanisation of the setting. This effect would certainly be greater in the future were the dense vegetation around Maltmans to be lost.

19. The other listed building, Brook Place is an impressive 17th Century red brick property with Dutch gables. Although the house itself is not directly opposite the site, its grounds extend parallel to the frontage where there is a brick boundary wall. There are existing trees on the boundary of the site with the road, however there is a gap where the access would be formed. Viewed from within the site, there is now some intervisibility with the listed property. When approaching Bagshot Road along the Public Right of Way along the eastern side of the site there is now a view towards Brook Place which would be interrupted by the mass of the proposed dwelling.

20. Whilst I acknowledge that the above point on intervisibility has arisen due to the appellant's actions in removing trees at the point where access would be taken, there are other reasons for seeing the site as important to the setting of Brook Place. At the present the setting retains some of its original rural character, in part due to the presence of the appeal site and the continuum it provides to the open countryside to the north side of Bagshot Road. Were the site to be developed that link would be lost, eroding the character of the setting.

21. Framework paragraph 196 requires that where less than substantial harm to a heritage asset is found, as is the case here in respect of the setting of listed buildings, the public benefits of a proposal must also be taken into account. Were the proposal to proceed there would be some benefits in terms of meeting local housing needs and the employment created during construction. These benefits could include the provision of a larger dwelling which could in turn free up other smaller dwellings on the property market. I do not, however, see much merit in the appellant's argument that allowing the development to proceed would reduce the pressure for development elsewhere in more harmful locations. The Framework is clear that great weight should be given to the conservation of designated heritage assets such as Maltmans and Brook Place when considering the effects that a development would cause. The limited benefits I have identified would not outweigh the harm were the development to proceed.

22. The proposed design of the dwelling appears to have some themes which would be broadly similar to Maltmans and seeks to assimilate the dwelling with the surroundings. However, it would have no chimneys and an ill-defined entrance. The dwelling proposed would be different in its scale and proportions and as a result would, despite the efforts made with the design, appear as a modern addition to the street scene. On balance, I find that given the sensitivity of the location, the proposal would not achieve a high quality of design and would be harmful to the character and appearance of the area.

23. For the reasons given I conclude that the proposal would not preserve the settings of 2 listed buildings, and would therefore not meet the test under the Act, and would harm the character and appearance of the area. It would therefore not meet the requirements of Core Strategy Policies DM9 and DM17 which, amongst other things, require that development respects the historic environment and the setting of heritage assets. Policy DM9, and the Council's Residential Design Guide Supplementary Planning Document, also require that development must respect local character and create buildings of high quality. The proposal would also not meet the objective of the Framework to conserve and enhance the historic environment and achieve a high quality of design.

Other Considerations

24. The appellant has based his case on a contention that the proposal is not inappropriate development, and therefore considers there to be no need to establish very special circumstances. Notwithstanding this, I have considered whether the other considerations in the proposal amount to very special circumstances.

25. The appellant has referred to recent developments elsewhere in the area, including a recent case where a house has been built on the site of a former polytunnel. I have not been provided with details of these other cases however I note the Council stated that they were materially different, being on previously developed land[2]. I am therefore not in a position to comment on these matters, although I travelled along Bagshot Road and observed a number of recently completed developments. Even were I to consider there to be any comparisons to be drawn with the appeal proposal this would not be a good reason to allow development in breach of national policies which seek to protect the Green Belt from inappropriate development.

26. The appellant also contends that the proposal would amount to a natural infilling along the road frontage. For the reasons given, the proposal would cause some harm to the character and appearance of the area therefore I attach very limited weight to this argument. The dwelling proposed would be of a size well matched to the plot and the needs of future occupiers, furthermore, there is no suggestion that the proposal would cause harm to the living conditions of the occupiers of existing dwellings near to the site, which are neutral factors in the planning balance.

27. It is intended that the design would incorporate solar panels, and at the detailed design stage all potential sources of sustainable energy would be assessed. Although the details are yet to be confirmed this would be an environmental benefit to which I give moderate weight.

28. I have already note that the proposal would have some economic and social benefits in terms of providing employment during construction and helping to meet local housing needs. The proposal is for a single dwelling and given the commensurate limited scale these benefits I attach moderate weight to them.

[2] Planning Officer Report, paragraph 7.3.10

Other Matters

29. In the event that the appeal is allowed the proposal must be subject to Appropriate Assessment under the Habitat Regulations given the potential to give rise to impacts on the Thames Basin Heaths Special Protection Area. The appellant has completed the forms which would provide for the necessary financial contributions prior to the commencement of development for the mitigation of these impacts in accordance with the Council's CIL charging schedule. In light of this, the parties agree that the reason for refusal in relation to this matter is no longer relevant. Given my conclusions I do not need to consider the matter further.

The Green Belt Balance

30. I have found that the proposal would be inappropriate development in the Green Belt and that it would erode openness to a significant and harmful degree. In addition, I have found conflict with the Framework and its aims to protect the openness and permanence of Green Belts.

31. The Framework sets out that substantial weight should be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm resulting from the proposal, is clearly outweighed by other considerations.

32. The proposal would be inappropriate development in the Green Belt, which is harmful by definition, and to which substantial weight should be attached. In addition, there would be harm both to the openness of the Green Belt and other harm to the setting of designated heritage assets and the character and appearance of the area. Even when taken together, the other considerations, amounting mainly to the existence of other recent development in the area and the moderate benefits arising from a single dwelling, do not clearly outweigh this harm. Consequently, very special circumstances do not exist, and the proposal is contrary to the aims of Framework to protect Green Belt land from inappropriate development.

Conclusion

33. No material considerations justify a decision other than in accordance with the Development Plan and Framework therefore, for the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Tim Wheeler

INSPECTOR