



Appeal Decision

Site visit made on 10 March 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 01 April 2020

Appeal Ref: APP/M3645/W/19/3242482

Pixiewood Farm, Rowplatt Lane, Felbridge RH19 2PA

- 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 Ashhurst Homes Limited against the decision of Tandridge District Council.
 - The application Ref TA/2019/1264, dated 12 July 2019, was refused by notice dated 19 September 2019.
 - The development proposed is 4 bedroom dwelling with detached garage and associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt.
 - The effect of the proposed development on the character and appearance of the surrounding area.

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. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This position is repeated in terms in Policy DP10 of the Tandridge District Local Plan Part 2: Detailed Policies (Local Plan Part 2).
4. The Framework confirms that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to the exceptions as set out in Paragraph 145. Policies DP12 and DP13 of the Local Plan Part 2 and Policy CSP1 of the Tandridge District Core Strategy are relevant as they help guide the location of new development, including housing, and relate to a number of Defined Village boundaries.

5. The appeal site lies adjacent to the boundary of the Defined Village of Felbridge. It is a flat area of grassland within a newly constructed gated development of 3 detached dwellings. Two boundaries of the site are open to the new dwellings and are adjacent to the driveway, parking and turning area that provides access via a road that leads from Rowplatt Lane. The other boundaries of the site are lined with mature trees and other planting and includes the shared boundary with rear gardens of properties that front Rowplatt Lane.
6. The proposed dwelling and its detached garage would sit adjacent to the existing turning area. The form, scale, appearance and detailed design of the dwelling would be consistent with other houses within the new development, most notably the L shaped design adopted by the property identified on the plans as The Stable. What would become the rear of the proposed dwelling would be bounded by a timber fence, leaving an area of wooded grassland identified on the plans as a meadow between the new property and the rear boundary of properties on Rowplatt Lane. No modifications to the existing access or turning arrangements within the site are shown on the plans as being necessary to accommodate the proposal.
7. The appellant submits that the proposed development should not be regarded as inappropriate development as it would amount to limited infilling in villages and would therefore fall within the exception set out in Paragraph 145(e) of the Framework.
8. I note that the Framework does not provide a definition of what constitutes being in a village for the purposes of applying the exception. In reaching a conclusion on this issue I have considered the boundaries of the Defined Villages. I have also paid regard to the location of the site, outside but, at the edge of the boundary. My attention is also drawn to the case of *Wood*¹ which confirms that a village boundary defined in a Local Plan is a relevant consideration, but not necessarily determinative, particularly if it does not accord an assessment of the extent of the village on the ground.
9. Dwellings predominantly placed in long rows along the main roads are a strong feature of the village of Felbridge. This gives the village a general spatial layout that is quite linear. From the main roads there are a limited number of shorter roads that lead to small numbers of dwellings arranged in a less linear fashion; the newly constructed dwellings are more consistent with this spatial characteristic. Whilst small in number, these dwellings have altered the shape of this part of the village. Notwithstanding the village boundary defined in the Local Plan, given its proximity to the main road of Rowplatt Lane and relationship with the newly constructed dwellings, as a matter of fact and degree on the ground I consider the site to be in the village.
10. The proposed single house would sit between the newly constructed dwellings and the properties that face Rowplatt Lane. The plot size of the new dwelling and its overall scale would be similar to the newly constructed dwellings. Considering the main parties' evidence on this matter and, having regard to the boundary of the Defined Village of Felbridge and the impact the newly constructed dwellings have had on the shape of this part of the village on the ground, I find the proposed development to constitute limited infill.

¹ Wood v SoS Communities and Local Government and Gravesham Borough Council (EWCA) Civ 195

11. I have considered evidence about whether there is a degree of conflict between the approach set out in the Framework and Policies DP12 and DP13. I do not find conflict here and accept the Council's arguments that the Local Plan provides locally specific detail that helps to implement the policies in the Framework. Notwithstanding this, as discussed above, an on the ground assessment leads me to conclude that the newly constructed dwellings have altered the shape of the village in a way that is not reflected by the Defined Villages set out in the Local Plan.
12. In reaching a conclusion on this matter I have noted the Council's evidence about the review of settlement and Green Belt boundaries undertaken as part of work on their emerging Local Plan and proposes that no changes are made to the boundary of the Felbridge Defined Village. As the emerging Plan is subject to examination, I have attached limited weight to this point.
13. In light of the above, I find that the proposed development would amount to limited infilling in a village and would therefore fall within the exception set out in Paragraph 145 (e) of the Framework. The proposal is not therefore inappropriate development in the Green Belt for the purposes of applying Chapter 13 of the Framework on protecting the Green Belt and Policy DP10 of the Local Plan Part 2. As such, it is not necessary for me to go on to discuss whether there are other considerations that amount to the very special circumstances necessary to justify the development.

Character and appearance

14. In relation to character and appearance, the prevailing form of residential development in the area is towards large detached dwellings that sit in generous plots. This provides a sense of openness that reinforces the village location. Unlike the more uniform arrangement of the long row of properties on Rowplatt Lane, the newly constructed dwellings adjacent to the appeal site are more irregular in their arrangement and spacing. This is an important part of their position at the edge of the village.
15. The proposed dwelling would be located between the built forms of the newly constructed dwellings and the gardens and houses that front Rowplatt Lane. As a result of this positioning, and the trees and other mature planting on other sides of the site, I do not find that the proposed dwelling would be harmful in relation to its impact on the open countryside or the wider landscape.
16. Notwithstanding the above, taken with the newly constructed dwellings, the proposed dwelling would bring a degree of enclosure to the immediate area and introduce a more regular pattern of development that would be more consistent with a residential cul-de-sac, rather than a rural farmstead as the appellant suggests. I do not find the grassland that includes the appeal site to have the same characteristics as the open countryside and I accept that it provides limited wider public recreational value as it is set within a gated development. Nevertheless, the space does provide a sense of openness that is equally important in a village context.

17. This space also acts as a visual break and reinforces the distinction between the ordered pattern of development along the main roads of the village and the more dispersed nature of this edge of village location. This characteristic is an important part of how the village functions and its relationship with the wider countryside beyond. In addition to the loss of the open space that the appeal site currently provides, the proposal would erode the edge of village character of the immediate setting, in particular as experienced by the occupiers of the newly constructed dwellings.
18. In light of the above, I find that the proposed development would have a harmful effect on the character and appearance of the surrounding area. Consequently, I find conflict with Policies CSP18 and CSP21 of the Tandridge Core Strategy and Policy DP7 of the Local Plan Part 2 which, taken together, seeks to ensure that new development achieves a high standard of design that is compatible with the character of the area.

Planning balance

19. It is argued by the appellant that permission should be granted as the Council cannot demonstrate a 5 year supply of deliverable housing sites at present. The Council do not dispute that they are unable to show 5 years of supply. In such circumstances, in line with footnote 7 to paragraph 11(d) of the Framework, relevant policies in the Local Plan should be regarded as out of date and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted (also known as the 'tilted balance').
20. I have considered evidence from the appellant about whether Policies DP12 and DP13 should be considered out of date for the purposes of applying the tilted balance in the Framework. As discussed above, I do not find conflict between the Framework and the general approach set out in DP12 and DP13. As such, I do not find these policies to be out of date in this regard. However, the existence of the newly constructed dwellings is a significant factor in this case that has influenced my findings on whether the proposed development constitutes limited infilling in a village, notwithstanding its position just outside the Defined Village of Felbridge.
21. Policy CSP1 is a strategic policy that sets out the Council's approach towards the delivery of housing within different categories of settlements and on previously developed land. As the Council is unable to demonstrate a 5 year supply of deliverable housing sites, I find this policy to be out of date in this regard. As such, it is necessary to apply the tilted balance in 11(d) of the Framework.
22. Firstly, and in particular given the conclusions reached above about the proposal not being inappropriate development in the Green Belt, none of the relevant policies in the Framework that are designed to protect areas or assets of particular importance apply, as set out in footnote 6 to paragraph 11(d)(i).

23. To assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits it is necessary to consider the benefits of the proposed development against the policies in the Framework taken as a whole, including the stated purpose of the planning system, which is the achievement of sustainable development – comprising the three overarching social, economic, and environmental objectives.
24. The benefits of the proposed development primarily relate to the contribution that it would make to overall housing supply in the area, and the overall social and economic benefits that this brings. It is acknowledged that the proposed development would only result in the addition of one dwelling, which in itself is only a very small contribution to housing supply but beneficial nevertheless. I am also mindful that the Framework acknowledges at Paragraph 68 that small sites can make an important contribution to meeting the housing requirements of an area.
25. There would be economic investment, and therefore benefits, resulting from both the construction and subsequent occupation of the proposed development.
26. In terms of environmental benefits, the appellant makes reference to ecological benefits resulting from the proposed development. The degree to which the ecological measures proposed represents genuine benefits, rather than simply mitigation, is unclear. The degree to which they repeat measures connected to the recently constructed dwellings is also unclear. As such, I give the stated ecological benefits limited weight in the balance.
27. The adverse impact identified is on the character and appearance of the area and is discussed in detail above. In pursuing its environmental objectives, the Framework seeks to create places that are well designed and, specifically at paragraph 127, function well and add to the overall quality of the area, are sympathetic to local character, and maintain a strong sense of place. I find that the proposed development would bring an enclosure and order to the appeal site and the immediate locality that would be at conflict in an area where the less ordered nature of the dwellings is an important part of its function at the edge of the village.
28. I am mindful that the Framework in the same paragraph says that proposals should optimise the potential of sites. However, for the reasons discussed, I find that a further dwelling in this case would have a negative impact on the character and appearance of the area.
29. Weighing up the benefits and adverse impacts discussed above, I judge that the impact on the character and appearance of the area significantly and demonstrably outweighs the benefits identified of introducing a single dwelling to the appeal site. As such, the presumption in favour of sustainable development at paragraph 11 of the Framework directs me towards refusing planning permission.

Other Matters

30. Representations from other parties that relate to the reasons for refusal are noted and discussed above. Other issues raised are also noted, including those relating to highways, living conditions, and impact on local wildlife and trees, and do not affect my findings on the main issues.

Conclusion

31. For the above reasons the appeal is dismissed.

D. R. McCreery

INSPECTOR