



Appeal Decision

Site visit made on 1 June 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/R3650/W/20/3245049

Land Between 4 To 5 New Road, Hydestile, Godalming GU8 4DJ

- 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 & Mrs J Macpherson against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0510, dated 13 March 2019, was refused by notice dated 13 September 2019.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development proposed from the appeal form as it is an accurate description of the appeal proposal.
3. The Council has referred to Policy RD2 in its decision notice, but from submissions I consider that this is a reference to Policy RE2. Both parties have referred to Policy RE2 in their submissions. I do not therefore consider that the interests of any party are prejudiced by my considering Policy RE2 as part of my determination of this appeal.

Main Issues

4. The appeal site is within the Green Belt, and so the main issues are:
 - whether the appeal development is inappropriate development in the Green Belt, including its effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies; and,
 - if the appeal proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it

Reasons

Whether inappropriate development, and effect on openness

5. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Exceptions are

identified at paragraph 145 and include limited infilling in villages and 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. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (the LP) states that the Green Belt will be protected against inappropriate development in accordance with the Framework.

6. With regard to whether the appeal proposal would be limited infilling in a village, the Framework does not define what is meant by a village in this context. My attention has been drawn to a reference in the Council's Settlement Hierarchy document identifying Hydestile and similar settlements as "these villages". However, I consider that this reference uses the term in a broad sense, rather than an intention to identify every small settlement in the borough as being suitable in principle for development. To class them as such would, I consider, be in conflict with national policy.
7. Given this dispute, I have considered whether Hydestile constitutes a village for the purposes of Paragraph 145. To my mind a village would typically have houses and at least some facilities to meet the needs of its residents. During my site visit and travel to and from the site I did not see evidence of facilities in the surrounding area that provide support for residents' day-to-day needs. The appellants states that a full range of facilities and services can be found in neighbouring settlements, the nearest of which is stated to be more than a mile from the site. Based on what I saw during my visit and the evidence before me, I consider that Hydestile is a hamlet and not a village, and therefore the appeal proposal would not amount to limited infilling in a village.
8. Turning to whether the appeal proposal would amount to limited infilling or the partial or complete redevelopment of previously developed land, the site at the time of my visit was partly laid to grass, with a fenced vegetable plot and a small structure covered in plastic sheeting at the rear. Based on the evidence submitted by the appellants in their design and access statement no permanent structure of comparable size to the proposed house has occupied the site since the construction of the neighbouring houses. I am not therefore convinced that the site is previously developed land for the purposes of Paragraph 145 of the Framework.
9. In addition, the proposed dwelling would be a part two-storey, part 1.5 storey house. Although smaller than the neighbouring dwellings, it would be a substantial and permanent structure that would have a significantly greater impact on the openness of the Green Belt than the existing use.
10. The development proposed would not meet any of the exceptions allowed at paragraph 145 of the Framework. The appeal proposal would therefore constitute inappropriate development in the Green Belt, which the Framework establishes should not be approved except in very special circumstances, and would result in a loss of openness in this location. It would therefore conflict with Policy RE2 of the LP, the requirements of which are set out above.

Other Matters

11. The appeal site lies within the 5 kilometre 'zone of influence' for the Wealden Heaths I Special Protection Area (the SPA). This is protected under the European Union Birds Directive (2009) as a breeding site for protected birds.

No substantive evidence or appropriate assessment (AA) has been submitted demonstrating that the development proposed would not harm the integrity of the SPA. If I were minded to allow the appeal it would have been necessary for me to carry out the AA. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further.

12. I have had my attention drawn to the judgment in *Julian Wood v SSCLG & Gravesham Borough Council* [2014] EWHC 683 (Admin), [2015] EWCA Civ 195. In this instance the question was whether the appeal site fell within the village envelope. However, the main issue to the appeal before me is whether Hydestile is a village for the purposes of paragraph 145 of the Framework, and not whether the appeal site is a part of Hydestile as that is not in dispute. I also note the reference to an appeal decision from 2017 and a decision by the Council from 2019, both of which also deal with matters relating to whether the proposed development sites were within the village envelope. As these cases do not pertain directly to the matter at hand, I have only given the decisions limited weight in considering this appeal.
13. I recognise that the Council found no harm from the development, other than the harm to the Green Belt. The absence of other harm is a neutral consideration in my determination of this appeal.
14. The appellants have stated that the appeal proposal is intended to provide them with a home suitable for their needs in their advancing years. I have considered this as part of my determination of this appeal, but I am mindful of advice in the national Planning Practice Guidance that in general planning is concerned with land use in the public interest. I have not been presented with detailed evidence, for example from medical professionals, that the appellants' needs could only be met by purpose-built accommodation. Neither have I been presented with evidence that there is no available property that would meet their needs. I can therefore only give limited weight to the appellants' personal circumstances.
15. There has been significant support from third parties for the appeal proposal, and I have considered the points raised as part of my determination of the appeal. However, I do not consider that this support outweighs the identified harm to the Green Belt by inappropriateness and loss of openness.

Whether very special circumstances exist

16. The appellants consider that the appeal proposal is not inappropriate development. They have therefore not advanced any specific argument that very special circumstances exist. I do not consider there are any considerations in this case, including the lack of harm other than to the Green Belt, the personal circumstances of the appellants or the support from third parties that would clearly outweigh the harm to the Green Belt from inappropriateness and loss of openness.

Conclusion

17. For the reasons given above the appeal is dismissed.

M Chalk

INSPECTOR