



Appeal Decision

Site visit made on 1 September 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/M3645/W/19/3242056

The Depot, Redehall Road, Smallfield RH6 9QL

- 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 Portgreen Properties against the decision of Tandridge District Council.
 - The application Ref TA/2019/595, dated 15 March 2019, was refused by notice dated 31 May 2019.
 - The development proposed is the erection of 6no. bungalows with associated access, parking, landscaping and other associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
 - Whether the proposed development would make adequate provision for affordable housing; and,
 - The effect of the proposed development on the character and appearance of the area; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. The Framework in paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate development, subject to a list of specific exceptions. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 Adopted July 2014 (the LP) conform to the general thrust of national Green Belt policies. However, the exceptions listed in Policy DP13 do not fully align

with the Framework. As Policy DP13 pre-dates the Framework, greater weight should be given to the exceptions contained within the Framework.

4. The exception in paragraph 145(g) concerns the limited infilling or the partial or complete redevelopment of previously developed land, which would i) not have a greater impact on the openness of the Green Belt than the existing development; or ii) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
5. It is not disputed that the site falls within the definition of previously developed land as set out in the Framework¹. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and can have both spatial and visual aspects.
6. Based on the information before me, there were previously 2no large commercial buildings to the front of the site and 2no smaller buildings further to the rear. These buildings have now been removed. There is an extant planning permission for 10no houses² towards the front part of the site. As part of that permission, the rear section would be open. The current appeal scheme seeks planning permission for an additional 6no semi-detached dwellings, which would be sited on the open area and therefore extend the spread of buildings further to the west. This includes the extension of the access road and the provision of car parking and gardens for the proposed dwellings.
7. Whilst I note the extent of the existing hard-surfacing, the proposed dwellings would increase the amount of built form on the appeal site, which would be visible from Redehall Road. The proposal would visually and spatially encroach into the countryside to the west. I appreciate that there are trees and vegetation around the site boundaries, which could be supplemented to reduce the visibility of the dwellings, however this would not mitigate the loss of openness. Consequently, the proposed development would, by virtue of its permanence and size, have a greater impact on the openness of the Green Belt.
8. With respect to the second strand of paragraph 145 g), the appellant has submitted an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990, which covenants that 2 of the proposed dwellings would be made available as shared ownership / shared equity units. However, there is no substantive evidence before me to identify what the affordable housing need is in the area and whether the proposed dwellings would meet it. Consequently, I am not persuaded of any compliance with the second criterion of exception g).
9. Therefore, the appeal scheme would not meet the exceptions set out in paragraph 145 of the Framework and it would conflict with one of the purposes of the Green Belt to safeguard the countryside from encroachment. Consequently, the proposal would be inappropriate development in the Green Belt.

¹ See 'Annex 2: Glossary' – the National Planning Policy Framework 2019

² Council's reference: TA/2017/2081

Affordable housing

10. Policy CSP 4 of the Tandridge District Core Strategy 2008 (the Core Strategy) states that in order to maximise the supply of affordable housing, the Council will require up to 34% of the dwellings to be affordable on rural sites of 10 units or more. The actual provision will be negotiated on a site by site basis after taking into account market and site conditions. The precise proportions of social rented or intermediate affordable housing will be agreed having regard to the specific needs at the time and within the area.
11. Whilst 6no dwellings would not in itself meet the threshold where Policy CSP 4 requires the provision of affordable housing, it would be part of a wider development that would exceed the affordable housing threshold. As noted above, the appellant has submitted an Agreement which covenants that 2 of the proposed dwellings would be made available as shared ownership / shared equity units.
12. There is no substantive evidence before me to identify what the affordable housing need is in the area and whether the proposed dwellings would meet it. The proposal would therefore be contrary to Policy CSP4 of the Core Strategy, which states that the Council will require that a proportion of new dwellings will be affordable, to be available to people on lower incomes, unable to afford housing at the prevailing market price or who need to live within the District.

Character and appearance

13. The appeal site is located outside of the defined settlement of Smallfield. There is some limited development at depth in Redehall Road, including the dwellings at Gonville Works, however the prevailing form of development moving away from the settlement consists of dwellings positioned in a linear arrangement along the road. The spaces between the dwellings allow views of the countryside beyond, which provides a green and rural character to the area.
14. I appreciate that the 10no dwellings previously approved would extend back from the road and therefore would not follow the linear arrangement of the adjacent properties. However, the approved dwellings were to replace 2no large commercial buildings towards the front of the site. The proposal before me would introduce dwellings to an area that is open and so it would increase the depth of built form at the site.
15. The proposal would extend significantly beyond the adjacent linear frontage of dwellings, which would encroach into the countryside. This intrusion would be visible from Redehall Road along the access road and from the surrounding countryside above and through the boundary vegetation, particularly during winter months when vegetation is not in leaf. The proposal would therefore erode the rural character of the area. I acknowledge that there would be scope to supplement the trees and vegetation around the site boundaries, however the proposed dwellings would nonetheless be noticeable in the surroundings.
16. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policy CSP18 of the Core Strategy and Policy DP7 of the LP, which, amongst other things, require new development to respect the character, setting and local context; and, reinforce local distinctiveness and landscape character.

17. Policy CSP21 of the Core Strategy states that the character and distinctiveness of the landscape and countryside will be protected for their own sake. The proposal would not accord with that policy, however the requirement to protect the countryside for its own sake is not consistent with the Framework, which limits the weight that I give to the conflict with this policy.

Other considerations and the Green Belt Balance

18. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I find that the proposal would be inappropriate development and I therefore attach substantial weight to the harm to the Green Belt, in accordance with paragraph 144 of the Framework. I have also found that the proposal would cause harm to the character and appearance of the area, to which I attach significant weight.
19. It is not disputed that the Council is unable to demonstrate a 5 year Housing Land Supply. In the context of the shortfall, the proposed development would make a limited contribution of 6no dwellings towards housing supply in an accessible location close to local services and facilities. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly as indicated in paragraph 68 of the Framework. Given the shortfall in housing supply, I give significant weight to this benefit.
20. The provision of 2no shared ownership / shared equity units attracts limited weight because it has not been identified what the affordable housing need is in the area and whether the proposed dwellings would meet it.
21. The appellant has drawn my attention to the Green Belt Assessment: Part 3: Appendix 1 (2018) in relation to the emerging Tandridge Local Plan 2033. This includes sites on land to the east of Redehall Road for residential development. However, I have not been made aware of whether the examining Inspector has issued post hearing advice, and as the emerging Local Plan could be subject to modifications it can only be given limited weight. In any event, I have determined the appeal scheme on its own individual merits.
22. The proposal would create some employment at construction stage, although this would be short lived and so a limited benefit. The occupiers of the proposed dwellings would help to support local facilities and services, although the economic contribution from the occupiers of 6no dwellings would be a modest benefit.
23. The proposal provides opportunities for ecological enhancement through additional planting. Furthermore, the dwellings would incorporate measures for energy efficiency. However, these benefits would be limited as they would off-set the environmental impact of the development.
24. I have had regard to the information that the appellant has provided with respect to previous appeal decisions and Council decisions. These do not however alter my findings on the main issues relating to this case, which I have considered on its own merits.

25. The other considerations identified in support of the scheme, even when taken together, do not clearly outweigh the totality of the harm to the Green Belt and other harm. Consequently, the very special circumstances necessary to justify the development do not exist.
26. The proposed development would therefore be contrary to the Framework and Policies DP10 and DP13 of the LP, which set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Conclusion

27. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR