

# Appeal Decision

Site visit made on 6 October 2020

**by D Cramond** BSc MRTPI

**an Inspector appointed by the Secretary of State**

**Decision date: 21 October 2020**

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**Appeal Ref: APP/R3650/W/20/3252023**

**Quail House Farm, Buildings 1, 2, 3, 4, 5 & 6, Hyde Lane, Churt, Surrey, GU10 2LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
  - The appeal is made by Mr & Mrs Nicholas Castles against the decision of Waverley Borough Council.
  - The application Ref PIP/2019/0001, dated 6 December 2019, was refused by notice dated 9 January 2020.
  - The development proposed is an application for permission in principle for the erection of between 5 dwellings and 9 dwellings (demolition of outbuildings and dwelling).
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I use the Council description of the proposed development; it is more concise than the Appellants' forms.

## Main Issues

3. I consider the main issues are:-
  - Whether the proposal constitutes an inappropriate form of development within the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy.
  - The effect of the development on the openness of the Green Belt.
  - The effect of the development on the character and appearance of the locality.
  - Whether the location would accord with sustainable transport objectives.
  - If the development is inappropriate to the Green Belt for the purposes of the Framework and development plan policy, whether the harm by reason of that inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to exist to justify the development.

## Reasons

4. The appeal site is in an area of rural character and has a cluster of generally shed-like buildings which along with some hardstandings appeared to be in uses related to the motor trade and car repairs at the time of my visit along with one property which is a residential dwelling. There are sporadic
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residential properties, horse activities and buildings, and agricultural uses found locally. Highways leading to the nearest small settlements are narrow and unlit. The immediate scene of the appeal site is not an attractive one as things presently stand albeit the buildings themselves are not atypical of a farm complex area, the wider area is however of pleasing rural appearance and the whole is designated part of an Area of Outstanding Natural Beauty (AONB). The appeal proposal is as described above and the Appellants' set out the fact that the houses would be a mix of 1-4 bedroomed homes.

*Whether the proposal is inappropriate development*

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The national policy advice has to be read together with the relevant development plan policy which in this case includes Policy RE2 of the Waverley Borough Local Plan (Part 1) (2018 LP). This Policy aligns with the Framework.
6. The Framework does identify exceptions to the inappropriateness rule. The Appellants in particular point to paragraph 145g) which, with caveats on harm to openness, allows for "...the partial or complete redevelopment of previously developed land, whether redundant or in continuing use...". The document's Glossary makes it clear that land that is or was occupied by agricultural buildings would not fall into this previously developed land (pdl) category. At the time of my visit the buildings on the land, other than the dwelling, were seemingly not in agricultural use. However, notwithstanding some evidence provided by the Appellants, including in the way of Business Rates paperwork, I cannot be sure that all of the structures' lawful uses have moved away from agriculture, particularly bearing in the mind the planning history as set out by the Council. Given there is no indisputable evidence that agriculture does not remain the lawful use on a part or parts of the site I would not be able to class the appeal site as pdl and thus I am not able to countenance reliance on the Framework's paragraph 145g) in this matter.
7. On the first issue, I therefore conclude that this proposal would represent inappropriate development for the purposes of the Framework and the development plan. I attach substantial weight to the harm caused by this scheme representing inappropriate development.

*Effect on Openness*

8. The Framework makes it clear that an essential characteristic of Green Belts is their openness. Open can mean the absence of development irrespective of the degree of visibility of the land in question from public vantage points; development which would harm openness could be acceptable visually. In other words, openness of the Green Belt has a spatial aspect as well as a visual aspect and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of development.
9. In this case I have no detail of the envisaged bulk, massing or site coverage of the planned residential use of the site. I do take the Appellants' point that this detail would be dealt with at the technical stage. However unless the built development was at the lowest end of the 5 – 9 dwellings range and with a focus on really small units then from my experience I simply cannot see

how there is any prospect that the proposal would not erode openness. Furthermore even in that most minimal of scenarios I would be surprised if there were no impacts on openness. No evidence is put forward by the Appellants to the contrary and the matter of protecting openness is critical in Framework terms such that I must take a cautious approach. There is no flexibility on this openness point in the Framework when it comes to a proposal for unrestricted tenure of housing which in this instance is stated as including market sales or extended family use or market rented properties.

10. I conclude that there would be conflict with a key objective of the Framework and the development plan and I attach substantial weight to this impact upon openness of the Green Belt.

#### *Effect on character and appearance*

11. The existing visual condition of the site is regrettable and stems mainly from the car related commercial activities taking place and the 'spill over' beyond the units which are themselves fairly low key. The site is relatively well screened at present. To a degree I take the Appellants' point that on the face of it a well designed and landscaped new build scheme might offer some visual benefits and that could be the case with minimal new build quantum *and* when considered in isolation. Technical details have yet to be worked up. However the key factor here is that this is a rural area with landscape protection as an adopted objective. Development has to be suited to its context and the situation here is a clear one of rural character and landscape predominance. I have nothing before to indicate that a housing scheme on this site would be anything other than an urbanisation of countryside.
12. Policy RE3 of the 2018 LP underlines that new development must respect the character of the landscape in which it is located whilst Policy TD1 calls for development to be in character with its surroundings. I conclude that the appeal scheme would run contrary to these policies. I attach substantial weight to this issue.

#### *Sustainable location*

13. Safety and capacity aspects of car journeys from the appeal proposal onto the local road network are a concern of the Council but I have less apprehension over this matter. I would agree with the Appellants that this could be addressed at the technical stage.
14. The appeal site is a rural one and whilst Beacon Hill has a reasonable range of facilities and some bus provision they are not truly convenient other than by car. I note the existence of footpath 583 which passes the site and leads to Beacon Hill and use of it would bring the helpful list of key services set out by the Appellants to, in the main, between 1 and 2 kilometres. The footpath is for the most part unlit and without surveillance and many or most people would likely avoid using it other than perhaps in dry daylight conditions. Therefore, to my mind, whilst this would on occasion be useful it does not enable the site to be classed as having a location which would properly encourage modes of transport other than the private car.
15. Policy SP2 of the 2018 LP relates to the Council's Spatial Strategy and sets out that, amongst other matters, to protect Green Belt and AONB areas and to achieve a sustainable pattern of development growth will be directed to settlements. Policy ST1 of the 2018 LP calls, amongst other matters, for

development to be directed to areas where sustainable transport modes can be maximised. I conclude that the appeal scheme would run contrary to these policies. I attach substantial weight to this issue.

*Other considerations*

16. Local cases of recently allowed development are drawn to my attention and it is thus clear that the area is not set in aspic. The Appellants would argue inconsistency but it must be recognised that each case has to be judged on its own merits. I do note the appeal decision quoted wherein a paddock is deemed to be pdl as part of the whole, and clearly this can be the case, but from my interpretation of the appeal site before me and its particular characteristics I do not see direct relevance for my decision in this instance.
17. Setting aside the lawful uses, a matter which is addressed above, the Appellants do make the evidenced point that the site is not agriculturally viable and has not been for many years. The sense that the site needs to have some viable use assigned to it is part of the Appellants' case.
18. There is a lack of clarity on the question of the five year housing supply and although the Appellants do point to a shortfall this is from some time back and I have no conclusive evidence as to how things now stand. In any event the scheme would clearly make a beneficial contribution to housing supply albeit a modest one and this attribute has to be weighed against the dis-benefits outline above. With any new development and new residents there would also be a commensurate economic gain.
19. I appreciate that the Appellants are committed to high quality and energy efficient buildings with innovative architecture. This would be along with good quality landscaping which taken in isolation should enhance the local scene, a point made by a local resident. The Appellants point to the site being a discrete one given ground levels. They would provide nbuilt-in charging stations for electric vehicles amongst other sustainability initiatives.
20. The homes would provide for the Appellant's 3 children and their young families. Others would be available for rent or purchase. Even without affordable housing as defined in the Framework this is a social dimension that the Appellants would understandably highlight.
21. I acknowledge all the points made within the Appellants' submissions and I would give each of the considerations put forward by the Appellants limited weight.

*Balance and conclusions*

22. In accordance with the terms of the Framework, the proposed development would represent an inappropriate form of development in the Green Belt. The Framework requires that substantial weight must be attributed to harm by way of inappropriateness to the Green Belt. Additionally, I have found above that the proposal would be unacceptably harmful to the openness of the Green Belt and this matter also carries substantial weight.
23. Whilst I have afforded weight in the planning balance to the other considerations raised in support of the development these, either individually or taken together, do not clearly outweigh the harm to the Green Belt and the other harm which I have identified. Therefore, very special circumstances do

not exist and permission should not be granted as the proposal is contrary to guidance in the Framework and development plan policies.

24. The fact that the appeal proposal would have an adverse impact on the character and appearance of the locality, and is in a location which would not accord with sustainable transport objectives, are matters which carry substantial weight and add to my concerns over the proposal. However, whatever my conclusions on this non-Green Belt harm it would not have made any difference to my findings on the question of very special circumstances.

*Overall conclusion*

25. My overall conclusion is that the proposal would not accord with the pertinent elements of the Framework and the development plan. The appeal should therefore fail.

*D Cramond*

INSPECTOR