
Appeal Decision

Site visit made on 29 September 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 22 October 2020

Appeal Ref: APP/M3645/W/20/3254912

Glebe House, Church Lane, Chaldon, CR3 5AL

- 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 Glebe Care Limited against the decision of Tandridge District Council.
 - The application Ref TA/2019/1739, dated 26 September 2019, was refused by notice dated 11 March 2020.
 - The development proposed is extension of care home.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There are some discrepancies between the plans referred to by the appellant and those which are referenced by the Council on the notice of decision refusing planning permission. For this appeal I have used the plans referenced by the Council on the notice of decision and upon which they made their decision.
3. I note that the appellant submitted amended plans during the course of the planning application. I have had regard to these as material considerations. However, as I have made clear at paragraph 2 above, I have determined this appeal on the basis of the plans upon which the Council determined the planning application.
4. I note that the appellant has submitted further information with their appeal statement: an updated Landscape Plan, GHC, L1, Rev B; an updated needs assessment; an updated Landscape and Visual Impact Assessment; an Energy Statement, prepared by the Mach Group and Internal Daylight Assessment Report prepared by the Mach Group. I have had regard to this further information as it does not fundamentally change the proposal considered by the Council and upon which interested people were consulted.

Main Issues

5. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant policy of the development plan;
 - The effect of the proposal on the openness of the Green Belt;

- The effect of the development on the character and appearance of the area;
- The effect of the development on the character and appearance of the Chaldon Conservation Area;
- Whether the development would contribute to carbon reduction targets through the incorporation of energy saving and renewable energy technology in its design;
- The effect of the development on living conditions of the potential future occupiers of the development;
- Would the harm by reason of inappropriateness, and any other harm be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

Reasons

Inappropriate development in the Green Belt and effect on its openness

6. The National Planning Policy Framework (the Framework) sets out at paragraph 133 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 identifies the five purposes Green Belts are meant to serve, including to assist in safeguarding the countryside from encroachment.
7. Paragraph 145 states that the construction of new buildings should be regarded as inappropriate, unless they are defined as specific exceptions set out in the Framework. These exceptions include:
 - the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building
8. Paragraph 146 defines other types of development as not being inappropriate in the Green Belt provided they preserve its openness or do not conflict with the purposes of including land within it, these include:
 - the limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt.
9. The existing building lies in extensive grounds comprised of landscaped and wooded areas, car parking and manoeuvring areas and a wooden stable block. The site lies at the junction of Church Lane and Doctors Lane. The site of the proposed building is on elevated ground to the rear of the existing building. The proposed building would be partly cut into this elevated land to help reduce its overall height. There are clear views into the site from the junction of Church Lane and Doctors Lane and from other points along each of these roads. The site is backed by mature trees.

10. The area is characterised by its edge of village and countryside location. The site is in an area of open agricultural land, narrow lanes, houses standing in extensive grounds and areas of mature woodland. All these factors combine to give the area a distinctly countryside character. Consequently, the appeal proposal by reason of its location, height, bulk and scale would represent the encroachment of built development into the countryside, thereby significantly harming one of the purposes the Green Belt is meant to serve.
11. The appellant suggests that the proposed development constitutes the limited infilling or partial or complete redevelopment of previously developed land and an extension or alteration of a building. Therefore, one of the exceptions to inappropriate development in the Green Belt should apply. However, both these exceptions are qualified by other requirements which have to be met before the proposed development can be considered as an exception to inappropriate development in the Green Belt.
12. The appeal building would fill the majority of the gap between the rear of the existing building and the trees to the east. The proposed building would appear as a substantial structure, especially when viewed from outside the site from Doctors Lane and in the vicinity of the junction of Doctors Lane and Church Lane. It would increase considerably the amount of built development on the site. Moreover, there would be no other buildings in the vicinity of similar design, bulk, or massing. Overall, the proposed building would have a substantially greater impact on the openness of the Green Belt than the existing buildings. Therefore, in both visual and spatial terms, the building would significantly harm the openness of the Green Belt in this location.
13. I note that the appellant has suggested that the removal of the existing stable block in the north eastern part of the site will assist in reducing the harm the proposed building would have on the openness of the Green Belt. The existing stable block is single storey, constructed of timber and is relatively small in scale and size. Therefore, it has a very limited effect on the openness of the Green Belt. Consequently, the removal of this stable block would not make up for the significant harm to the openness of the Green Belt caused by the appeal building.
14. The appellant has also suggested that the sedum roof might reduce the impact of the proposed building on the openness of the Green Belt. The sedum roof would help to reduce the prominence of the proposed building. However, the proposed building's overall size, bulk and scale would still be readily apparent from both within and outside the appeal site and therefore would significantly harm openness of the Green Belt in this location.
15. The Landscape and Visual Impact Assessment (LVIA), supplied with the appeal, illustrates how the visual impact of the appeal proposal could be softened by the introduction of boundary planting on the site along Church Lane and Doctors Lane. As with the sedum roof, whilst this might reduce the prominence of the proposed building, it would still significantly harm the openness of the Green Belt, as openness has a spatial as well as a visual dimension. Furthermore, the montages supplied with the LVIA still show the appeal building visible above the planting. Therefore, even with the proposed planting in place there would still be visible harm to the openness of the Green Belt caused by the appeal building.

16. With regard to the appeal proposal as an extension to the existing building, the appellant states that the original building was constructed in 18th century and extended in 19th century. It appears further extensions were added in the early 21st century. Therefore, the original building has already been extended since 1948 and these extensions need to be taken into account in determining whether the proposed extensions are disproportionate additions in terms of the Framework.
17. The Council has supplied figures in its officer's report that show the size of the extensions which have been added to Glebe House since 1948 and the size of the appeal building. I note that, apart from pointing out a small discrepancy between the figures quoted in the Design and Access Statement and the Addendum submitted in support of this appeal, there is no suggestion that the appellant considers the Council's figures inaccurate. The Council's figures look at the footprints, floorspace and volume of the various extensions. These figures all suggest, that by any measure, these are substantial increases in size of the original building brought about both by the previous extensions and the appeal proposal.
18. In conclusion, by reason of its size, location, bulk and massing the appeal proposal significantly affects the openness of the Green Belt in this location. It cannot therefore benefit from the exception to inappropriate development in the Green Belt by being limited infilling or the partial or complete redevelopment of previously developed land. Furthermore, the building would comprise, due to its overall size when compared to the original building, a disproportionate addition over and above the size of the original building. The development is therefore inappropriate development in the Green Belt. I attach significant weight to the harm the proposal causes to the openness of the Green Belt and to the purposes it is meant to serve.
19. The Tandridge District Core Strategy (October 2008) (CS) and the Tandridge Local Plan Part 2: Detailed Policies (July 2014) (DP) make up the development plan for the area. Policies DP10 and DP13 of the DP address developments in the Green Belt. Whilst these policies pre-date the current version of the Framework they are consistent with the approach taken to development in the Green Belt and therefore I give them substantial weight in the consideration of the appeal proposal.
20. The appeal proposal would be in conflict with the policies DP 10 and DP 13 of the DP as it would represent inappropriate development in the Green Belt.

Character and appearance of the area

21. The appeal site is located in an area rural in character and is on the edge of more open countryside. The buildings in the vicinity of the site are mostly single dwellings standing in substantial grounds. The whole area exhibits a spacious quality made up of open spaces around buildings and proximity to open countryside. The existing buildings at Glebe House and its grounds contribute to this quality.
22. The appeal site is currently undeveloped and contributes to the character and appearance of the area through its open nature, the vegetation and trees it contains and the views it affords to the woodland beyond. The appeal proposal would introduce a large and bulky building into this area effectively closing the gap between the existing Glebe House and the woodland to the rear. As a

result, this would harm the spacious quality and character of the area when viewed from outside the site.

23. Policies CSP18 of the CS and DP7 of the DP seek, amongst other things, to ensure that the location and design of new developments reflect and respect the character and local context of the area. These largely reflect the intentions of paragraph 127 of the Framework and are therefore consistent with it. I consequently give these policies substantial weight in this appeal. I consider that the proposal is in conflict with these policies as the location, design and bulk of the proposed building would not respect the existing character and qualities of the area as set out above.

Effect on the Chaldon Conservation Area

24. The site lies within Chaldon Conservation Area (CA). All of the dwellings in the area appear to be traditionally designed with pitched roofs and finished in brick or render. The main characteristic of the CA is open space, views out into the countryside and dwellings set in large grounds with rising ground on either side. The CA lies at the northern entrance to the village and provides a pleasant transition from the rolling, open agricultural land surrounding the village to the more built character of the village itself. The appeal site contributes to this character with its open nature, located on rising ground occupied by a traditionally designed building.
25. The appeal proposal would introduce a large building, located between the existing building and the wooded area to the east. This would reduce the space around the existing building and create a large block of development on the appeal site. The character or appearance of the CA would be harmed by the reduction in the space around the existing building and the increase in site coverage by building in general. The appeal proposal would therefore have a negative effect on the character and appearance of the CA. Moreover, despite the proposed high-quality materials, the building's massing, design, pitch of its roof and bulk would form an alien feature in the CA and compound the harm caused to its character and appearance by the reduction in open space on the site.
26. The Framework states at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. This paragraph continues by stating that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
27. I consider that the appeal proposal would lead to less than substantial harm to the significance of the Chaldon CA. In these circumstances, in accordance with paragraph 196 of the Framework, I am required to weigh this harm against the public benefits of the proposal, acknowledging that preserving the character or appearance of the CA is desirable.
28. I acknowledge that the appeal proposal will provide additional bed spaces for elderly people in need of the type of accommodation that would be provided. I also note from the needs assessment submitted with the appeal and planning application that there is a need for this type of accommodation in the area and that the appeal scheme would provide high quality and specialist accommodation.

29. I also understand that the supply and demand for bed spaces to meet this need is dynamic. For example, the needs assessment supplied with the planning application shows, amongst other things, a total requirement in 2018 for 435 beds which was projected to rise to 565 in 2028. Within this total there is an undersupply of 79 bed spaces in 2018, which is projected to rise to 303 by 2028.
30. The revised needs assessment submitted with the appeal assessed the total supply of bed spaces in 2019 as 425 which was projected to rise to 562 in 2029. Within this total there was an undersupply of bed spaces of 25 in 2019, which is projected to rise to 214 by 2019.
31. Clearly the need in the area is starting to be met or the need in the area is changing, as the undersupply identified in 2019 has fallen significantly even without the additional capacity the appeal proposal would bring. I consider that the supply and demand for bed spaces in the area will continue to change over time. It is also conceivable that the need will be met on other sites in the area that are not in a CA. Therefore, I attach moderate weight to the increase in the supply of 'market standard' bed spaces the appeal proposal would bring. Consequently, I do not consider that this outweighs the harm the proposal would cause to the character or appearance of the CA, especially where the Framework states that I should give any such harm considerable importance and weight in this decision.
32. Whilst the development would create jobs both during the construction phase and during its operation, I have been given no figures with regard to the unemployment rates in the area nor the contribution that the increased employment would have on the local economy. I accept that the appeal proposal would contribute to the local economy. However, because I have no evidence to show by how much, I give this limited weight in this appeal.
33. In terms of the definition of previously developed land given in the Framework the location of the appeal site lies within the curtilage of an existing building and therefore falls within this definition. However, the definition also makes clear that just because land is defined as previously developed within the curtilage of a building it should not be assumed that the whole of the curtilage should be developed. In this case the land within the curtilage of the existing building makes a positive contribution to the character or appearance of the Conservation Area. I therefore give this limited weight in this decision.
34. The appellant has stated that there is an ecological benefit to the proposed scheme. Whilst additional planting associated with the appeal proposal would be a benefit the proposal itself would result in the loss of mature trees and vegetation. Therefore, it is unclear whether there would be any net gain in biodiversity brought about by the appeal proposal. In any event this would not be of sufficient weight to overcome the harm the proposal would cause to the character or appearance of the Chaldon CA.
35. Policy DP20 of the DP deals with developments that affect conservation areas. It is generally positively worded and reflects the general approach of the Framework by giving weight to the conservation of heritage assets. I therefore find that the proposal is in conflict with this Policy of the development plan.
36. In conclusion I find that the appeal building for the reasons given above would fail to preserve or enhance the character or appearance of the Chaldon CA and

give this considerable importance and weight in this decision. Overall, for the reasons set out above, I do not consider that the harm to the character or appearance of the Chaldon CA is outweighed by the public benefits of the proposal.

Renewable Energy

37. The CSP at Policy CSP14 requires that the building achieves a 10% reduction in CO2 emissions. At the time of the planning application the Council stated it did not have sufficient evidence to show that the building could achieve this standard.
38. The appellant has submitted an 'Energy Statement' which demonstrates, through a mix of energy saving measures incorporated into the building's design and the installation of photovoltaic cells, a reduction of 10.9% in CO2 emissions could be achieved over the baseline calculations for the building.
39. The Council has confirmed in its statement that the 'Energy Statement' could achieve a CO2 reduction equating to in excess of 10% and on this basis the matter could be dealt with by the imposition of a condition should the appeal be allowed. I have had regard to the 'Energy Statement' submitted by the appellant with this appeal and am satisfied that should I allow the appeal this matter can be dealt with through the use of an appropriately worded condition. I therefore find no conflict between Policy CSP14 and the appeal proposal.

Living conditions

40. To the east of the proposed building lies a belt of trees which appear to be outside of the control of the applicant. Some of the rooms in the proposed building are in close proximity to this tree belt and would lose a certain amount of natural light because of it. The Council state that this would constitute an overbearing relationship which would adversely affect the living conditions of the occupants of the effected rooms. However, as far as I could see these trees are deciduous and therefore would lose their leaves in winter, so any effect would be seasonal. Additionally, the appellant has suggested installing additional windows into some of the rooms most affected by this issue.
41. The site lies in a rural location where trees are part of the rural scene. The trees affect a relatively small number of the bedrooms and that effect would be seasonal. The additional windows proposed by the appellant would improve the natural light in some of the rooms. Whilst the proximity of the trees to the building could constitute an 'overbearing relationship' it is not unusual to have trees in close proximity to buildings and the trees themselves do not present an impenetrable barrier as would be the case with a building or wall.
42. On balance, I find that the relationship between the habitable rooms in the proposed building and the trees to be acceptable and should I allow the appeal I would look to attach a condition requiring the installation of the additional windows suggested by the appellant to improve matters further. I therefore find that the appeal proposal is not in conflict with Policy CSP18 and DP7.

Other Considerations

43. The appellant has argued that there is a need for the development in the area and this has been set out in a report commissioned by Knight Frank. This demonstrates that there is a current under supply in the area for 'market

standard' care beds and this need is likely to be sustained into the future. However, the data shows a dynamic supply and demand for this type of accommodation in the area, with the projected under supply shown likely to reduce in ten years' time according to the latest report supplied by the appellant.

44. The appellant has also supplied a statement from the Directors of Glebe House stating that they provide care for elderly people with complex needs and that the Glebe House only deals with a small number of people with 'mainstream' residential care needs. Nevertheless, the evidence is not conclusive that due to these circumstances it is essential that this type of care is provided on this site rather than others in the area.
45. The appellant has advanced the quality of the proposed landscaping, the improvement in biodiversity brought about by the proposed planting, the energy efficiency of the building and the 'green roof' as benefits of the proposed development. I have noted that existing trees and vegetation would be removed in order to accommodate the proposed new building. Furthermore, it is possible to provide an energy efficient building and a 'green roof' on most new buildings, should the design and location allow.
46. The status of the site as previously developed land has been advanced to support the proposed development. However, within the Green Belt the redevelopment of previously developed land is only an exception to inappropriate development where its redevelopment would not have a greater impact than the existing development on its openness. I have concluded above that the appeal proposal would have a greater impact on the openness of the Green Belt than the existing building and therefore does not benefit from this exception to inappropriate development in the Green Belt.
47. I note that the proposed development both during its construction phase and through its operation would benefit the local economy. However, this would be a relatively small benefit and one which would apply to most commercial development in the area.

Other matters

48. The appellant has supplied an appeal decision relating to another site in the Green Belt, where a proposal for care apartments was allowed and the need for the development, amongst other things, was regarded as very special circumstances which justified the development. Whilst I have had regard to this decision it appears that the circumstances of the two sites are different. The appeal site in the case supplied appears to lie in an urban fringe location in close proximity to main roads, whereas this appeal site lies in a countryside location which is also part of a Conservation Area. The context and evidence in these cases differ. Nevertheless, the determination of whether very special circumstances exist is a matter of planning judgement based on the consideration of all the relevant matters. This is the approach I have followed in this appeal.

Planning Balance and Very Special Circumstances

49. The development would cause harm to the Green Belt as it would be an inappropriate form of development that would damage its openness. Furthermore, it would be in conflict with one of the purposes Green Belt is

meant to serve, that of safeguarding the countryside from encroachment. I have given substantial weight to the harm caused to the Green Belt in these respects.

50. The proposed development would also damage the character and appearance of the area and harm the character or appearance of the Chaldon CA. I have given substantial weight to the harm caused to the character and appearance of the area. I have also, as I am required to do, given considerable importance and weight to the harm caused to the character or appearance of the CA.
51. In terms of the harm the development causes to the Green Belt, the character and appearance of the locality and to the CA the development is in conflict with policies CSP18 of the CSP and DP10, DP13, DP7 and DP20 of the DP. I find that, despite predating the Framework, these policies are still consistent with its objectives. I therefore attach substantial weight to this conflict.
52. I have found that the proposed development can meet the renewable energy requirements of Policy CSP14 of the CSP and that the living conditions of the potential future occupiers would be acceptable and therefore comply with Policy CSP18 in this respect. I give these considerations limited weight as this could apply to numerous new buildings, including those not located in the Green Belt or a CA.
53. In support of the application the appellant has raised the issue of the need for 'market standard' care beds in the locality and has produced an assessment which demonstrates the current need and how this is likely to change over time. The appellant has also supplied evidence of the complex needs which are addressed on the site. I have no reason to doubt the need for additional 'market standard' care beds in the area or the high-quality care for residents with complex care needs provided on the existing site.
54. However, the evidence does not demonstrate that the appeal site is the only location where this need could be met, or this high-quality care could be delivered. Moreover, I am not persuaded on the basis of the evidence supplied that, over time, the need cannot be met in other locations. Therefore, I attach moderate weight to the contribution the appeal proposal would make to the supply of 'market standard' care beds in the area and to the quality of care for complex needs on offer.
55. I note the arguments the appellant has advanced regarding the improvements to biodiversity brought about by the proposal. However, I afford this limited weight due to the loss of trees and vegetation brought about by the construction of the proposed building.
56. With regard to the benefits of the development to energy efficiency and to the local economy. Whilst I have had regard to them in this decision, I have given them limited weight as they could be applicable to most new commercial buildings.
57. On balance therefore whilst I accept that there is a need for additional 'market standard' care beds in the area and the other benefits of the proposal, I consider that this is outweighed by the harm the development causes to both the Green Belt, the purpose it is meant to serve and the harm to the character or appearance of the Chaldon Conservation Area and the character and appearance of the area. I therefore find that the other considerations in this

case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

58. For the above reasons, the appeal is dismissed.

Peter Mark Sturgess