



Appeal Decision

Site Visit made on 20 October 2020

By Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2020

Appeal Ref: APP/M3645/W/20/3255283

Copthorne Stud, Effingham Road, Copthorne, RH10 3HY

- 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 Smith-Halvorsen against the decision of Tandridge District Council.
 - The application Ref TA/2020/86, dated 10 January 2020, was refused by notice dated 22 May 2020.
 - The development proposed is the erection of nine dwellings with associated garages, access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is currently occupied by the steel frame of a former indoor equestrian sand school building with a lean-to element to the front. Planning permission was granted in 2018 for the erection of a replacement structure with rear extension together with a new access. The Council was satisfied that the replacement of the existing structure would not be inappropriate development whereas the rear extension would be. However, the scheme as a whole was justified by very special circumstances. The approved scheme is therefore fundamentally different to the appeal proposal.
3. The approved scheme has not been implemented. It is therefore necessary to assess the impact of the appeal proposal having regard to the existing development on the site. The figures relating to the approved scheme are therefore not relevant to my assessment.

Main Issues

4. The main issues are:
 - i) whether the proposal would be inappropriate development within the Green Belt;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) 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

5. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2018) (the Local Plan) states that inappropriate development is, by definition, harmful to the Green Belt and will normally be refused. Proposals involving inappropriate development will only be permitted where very special circumstances exist. This approach reflects paragraph 143 of the National Planning Policy Framework (the Framework).
6. Policy DP13 of the Local Plan sets out the Council's approach to the assessment of buildings in the Green Belt. This approach is consistent with paragraph 145 of the Framework which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specific exceptions.
7. It is common ground between the main parties that the site is previously developed land. Section G of Policy DP13 sets out that the partial or complete redevelopment of previously developed sites is one of the exceptions to the general presumption against new buildings in the Green Belt. This is consistent with the exception listed in paragraph 145 g) of the Framework that sets out that the partial or complete redevelopment of previously developed land is acceptable provided that it would not have a greater impact on the openness of the Green Belt than the existing development.
8. Openness has both spatial and visual aspects. Spatially, the only building on the site is the steel frame of the former indoor equestrian sand school. To the west of this building is an outdoor sand school that does not significantly detract from the openness of the site. The site is bounded by a paddock to the north and a grassed area to the south. To the western boundary is a belt of trees whilst to the east is a U-shaped block of stables with more trees beyond. Notwithstanding the former sand school building, the site and its immediate context are largely open.
9. The Council estimates that the total footprint and volume of the proposed dwellings and garages would represent an increase in both the area and volume of built development over that currently existing by nearly 60%. The appellant provides an estimate of the area of only the proposed central roadway, driveways and visitor parking and estimates that the volume of the proposed buildings is greater than contended by the Council. The proposal would thus represent a substantial increase in both the area and volume of development over that currently existing.
10. Furthermore, the proposal would result in the spread of built development and residential gardens beyond the footprint of the former indoor sand school. The dwellings would be laid out as a cul-de-sac with the area between the dwellings closed off by the proposed dwelling at head of the road and occupied by the access road and turning head, front gardens, driveways, pathways and potentially parked cars.
11. The subdivision of the land into gardens, the introduction of boundary treatments and the likely associated domestic paraphernalia would all also contribute to a loss of the current openness of the site. The proposal would therefore have a significant spatial impact on openness.

12. The site is largely hidden from Effingham Road by an existing high hedge along the roadside but the proposed development would be visible through the new access. The development would also be visible from the existing dwelling at Copthorne Stud and so the proposal would also have a limited visual impact on the openness of the Green Belt.
13. I thus find that the proposal would have a greater impact on the openness of the Green Belt than the existing development on the site. It would therefore fail to comply with the requirements of the exception set out in Section G of Policy DP13 and paragraph 145 g) of the Framework. Consequently, the proposal would be inappropriate development which would conflict with local and national policy to protect the Green Belt.

Character and appearance

14. The appeal site is located within the countryside outside any defined settlement on the north side of Effingham Road. Although there is ribbon development to the south side of the road, development on the north side between the junctions with the B2028 and Dowlands Lane is more sporadic, comprising large detached dwellings in substantial plots, including the existing dwelling serving Copthorne Stud. These dwellings all face Effingham Road.
15. Being set back from Effingham Road with two pairs of semi-detached dwellings either side of a cul-de-sac and a ninth dwelling at the head, the proposed development would be totally at odds with the prevailing pattern of development in the area. The proposal would represent an alien suburban or urban layout atypical of this countryside location and incongruous in its open setting.
16. The appellant suggests that the dwellings will be 'barn-like'. Although tiled roofs and weatherboarding are to be found on barns, the elevational drawings show that, with the number and size of doors and windows, the dwellings would bear little resemblance to any agricultural buildings. The regular, formal layout would not replicate a farmyard and the proposed garages, engineered road and driveways, the small front gardens and the rear gardens would reinforce the suburban feel. Furthermore, the lack of any detail on the elevational drawings does not give me confidence that the design and appearance of the dwellings would be acceptable.
17. The existing skeleton of the former indoor sand school is a utilitarian structure, but it is more typical of the type of building which is to be found in the countryside. Its effect on the character and appearance of the area is therefore not comparable with the appeal scheme.
18. I therefore conclude that the proposal would be harmful to the character and appearance of the area. Consequently, in this respect, it would conflict with Policy CSP 18 of the Tandridge District Core Strategy (2008) (the Core Strategy) and Policy DP7 of the Local Plan which require, amongst other things, development to be of a high standard of design that reflects and respects character and local context. These policies are consistent with the Framework.

Other considerations

19. Nine dwellings would have social and economic benefits through providing homes, generating temporary employment during the construction period and the contributions of future occupiers to the local economy. As a small site, the

development could be built out relatively quickly. These are factors in the scheme's favour but are of limited weight given the scale of the proposed development.

20. I have found that the proposal would be harmful to the character and appearance of the area, in contrast to the Council's findings on the previously approved scheme. The approved replacement building would not be as tall as the dwellings in the appeal scheme. It would also have a more compact layout and be of a more appropriate design and appearance for the rural character of the site. Therefore, notwithstanding that the approved scheme would have a greater area and volume than the appeal proposal, it would be significantly less harmful overall. Consequently, the approved scheme is not a factor in the proposed scheme's favour.
21. Highways and drainage issues were of concern to the Council. However, notwithstanding the highway authority's objection to the scheme, the Planning Officer's report acknowledges that the proposed access on Effingham Road could be provided with appropriate visibility splays. The appellant has submitted a swept path drawing with the appeal that demonstrates that refuse / delivery vehicles would be able to turn within the site. I am satisfied that these considerations, on-site parking provision and drainage could all be addressed by conditions were the proposal to be acceptable in all other respects. Nevertheless, compliance with the development plan is not a matter in the scheme's favour and I therefore give it neutral weight in my decision.
22. The appeal proposal is not comparable to a scheme elsewhere for the redevelopment of a tennis centre within the Green Belt for a block of 23 flats and associated facilities to which the appellant has drawn my attention. That scheme would result in the significant reduction in building volume from that existing on the site such that there would be no greater impact on the openness of the Green Belt. Accordingly, in the appeal decision for that scheme, the Inspector concluded that the proposal met the exception set out in paragraph 145 g) of the Framework¹. The decision on that scheme therefore has no bearing on the proposal before me.

Green Belt Balance

23. I have found that the proposal would be harmful to the Green Belt by reasons of inappropriateness and loss of openness. Paragraph 144 of the Framework requires me to give this harm substantial weight. The proposal would also be harmful to the character and appearance of the area. The limited benefits that would accrue from the provision of nine homes would not clearly outweigh these harms. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
24. The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites and therefore paragraph 11 of the Framework is engaged. However, paragraph 11 d) i specifically identifies the application of policies in the Framework that protect land designated as Green Belt as providing a clear reason for refusing a proposed development.

¹ APP/M3645/W/19/3243184

Conclusion

25. The proposal conflicts with the development plan as a whole and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

Martin Small

INSPECTOR